

1

MARLBORO TOWNSHIP COUNCIL MEETING

January 14, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on January 14, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, and Council President Lichter. Council Vice President Gurtman arrived at 8:25 PM.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Council President Lichter wished everyone a happy and healthy New Year on behalf of the Council. He asked that each Councilman return the calendar handed out by him, in order to schedule budget meetings for February and March.

Council President Lichter also commended everyone involved in the December storm operation, for the outstanding job they did. He also thanked the Board of Education and the Greenbriar Homeowners Assn. for the use of their facilities as shelters.

Regarding Item 1 (Alarm Ordinance), Lt. Tilton was present for the discussion. Council discussed the issue of response procedures and the possibility of additional manpower that might be necessary. Lt. Tilton informed Council that the amount of actual dispatching of Police vehicles will probably remain the same, but that additional manpower to monitor the system may be necessary. Council then discussed fixing the fee. Council agreed with Lt. Tilton's recommendation that the fee be established between \$260 and \$275. As Council did not wish to undercut private industry, it was their

consensus to set the fee at \$275. This ordinance was moved to the January 24 agenda for first reading.

Council then discussed Item 2 (Mobile Home Amendment). Joe Adornetto, Chairman of the Rent Control Board, and Chris Hanlon, Esq., Attorney for Jack Haug (owner of Wickatunk Village) were present for the discussion. Council reviewed the proposed draft ordinances, as well as Resolution #R22-93 of the Rent Control Board. Council proposed changes in both draft ordinances, and asked that the Township Attorney incorporate the changes in such ordinances for their review. The Township Attorney will also furnish Mr. Hanlon with these ordinances prior to the next workshop meeting. This matter will be discussed at the Feb. 11 workshop meeting.

Item 3 (Monmouth County Improvement Authority) was then discussed. Business Administrator Bob Albertson informed the Council that a representative from the Authority was unable to attend the meeting. However, Mr. Albertson informed the Council that he would have to give the Authority a notice of the Township's intent to participate in the municipal lease program by Feb. 1st. Such notice of intent would not be binding upon the township. It was Council's consensus that Mr. Albertson proceed and he will be giving Council further details on the program as they become available. Mr. Albertson also discussed the pooled government loan program through which major capital improvements can be financed at a low interest rate. It was Council's consensus that Mr. Albertson also proceed with getting information on this program which will be presented to them during the budget process.

Item 4 (Swim Club Fees - Authorization to Bid: Restaurant Concession & Gazebos) was discussed by Council. Dory Marcus, Chairman, and Arthur Lawrence, Director, were present for the discussion and gave an overview of what the Swim Division is requesting. With regard to the day camp, Mr. Albertson was asked to check that there is sufficient liability insurance coverage. After Council reviewed all information and asked all pertinent questions, the resolutions for the fee changes and authorization to bid on the restaurant concession and gazebos were moved to the January 28th agenda.

Regarding Item 5 (Aeronautics), Mayor Scannapieco informed the Council that he had written a letter to DOT regarding the licensing of aeronautical and aerospace facilities asking for an extension of the comment period. He felt that more time was needed to address concerns that had not yet been resolved. He asked that Council endorse his letter by resolution. Council agreed, and the following Resolution #1-92 (Requesting Extension of Time Period for Comment - Licensing and Operation of

Aeronautical Facilities) was introduced by reference, offered by Council President Lichter, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 1-93

WHEREAS, it has come to the attention of the Marlboro Township Council that the New Jersey Department of Transportation has proposed new rules regarding the licensing and operation of aeronautical facilities in the State of New Jersey; and

WHEREAS, these new rules will affect the use and possible change or future expansion of airports around the State, including our own Marlboro Airport; and

WHEREAS, the Township Council has reviewed the commentary, dated October 13, 1992, from Communities for Responsible Airport Management (CRAM), strongly objecting to many aspects of the proposed rules; and

WHEREAS, the Township Council believes that an extension of the comment period is necessary in order to facilitate much-needed continued discussion of the many points of concern which currently remain unresolved; and

WHEREAS, these sentiments have been conveyed to Charles L. Meyers, DOT Administrative Practice Officer, by letter dated January 13, 1993 from the Honorable Matthew V. Scannapieco, Mayor of this Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it supports the concerns and comments of Mayor Scannapieco in his letter dated January 13, 1993, and requests an extension of the comment period, so that many of the unresolved issues surrounding the proposed regulations may be further discussed.

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

1. Charles L. Meyers, Administrative Practice Officer,  
Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625
2. Honorable Matthew V. Scannapieco
3. David Birnbaum, P.E.
4. John O. Bennett, III, Esq., Senator, District 12  
and Township Attorney

Regarding Item 6 (League of Municipalities Policy), Councilman Friedman asked that Council consider changing the policy for attendance at the League of Municipalities convention to allow for a two-night stay, in order that participants can attend the many seminars being offered. After Council discussed this matter, it was their consensus that this policy remain as a discretionary item, depending on how the budget looks for 1993.

Regarding Item 7 (Space Requirements), Business Administrator Bob Albertson informed Council that there are a number of problems in various departments with respect to space requirements in the Municipal Building. He asked if Council wished that he proceed with a study of such requirements to present to them, as well as the projected cost. It was Council's consensus that he proceed.

Item 8 (Waiving Fees - New Jersey Bell) was then discussed. After discussion, Mayor and Council asked the Township Attorney to inform New Jersey Bell that they did not wish to waive the fees, as they saw no reason to do so.

Item 9 (Refund of Special Meetings Fee Cellular One - ZB Resolution) was moved to the January 28th agenda, as per the Zoning Board's recommendation.

Item 10 (Trinity Episcopal Church - Annexation of Marlboro Township Property to Matawan Borough - Letter of Dec. 23, 1992) was discussed by Council. Township Attorney John Bennett was asked to get more information on this, and also to confer with Special Counsel Arthur Goldzweig. This will be discussed at the Feb. 11 workshop meeting.

Regarding Item 11 (Dept. of Personnel Application Processing Fee), Business Administrator Bob Albertson informed Council that the State will now charge a \$5.00 application processing fee for any open competitive and promotional examinations. After discussion, Mayor Scannapieco and Council felt that this fee should not be the township's expense and that applicants should be liable for this fee.

Item 12 (Res. - Central Jersey Office - Section 1 Bond Release & Section 2 Bond Reduction) was moved to the January 28 agenda, as per the engineer's recommendations.

Regarding Item 13 (Res. Bear Brook Commons - Bond Reduction), Assistant Engineer Dean Staknys was present for the discussion.

He stated that there was an accounting error in the report, and an amended report will be furnished to Council before the next meeting. This resolution was moved to the January 28 agenda.

Regarding Item 14 (Agenda Items - 72 hours prior to Meeting), Council discussed formulating a resolution stating that all agenda items must be given to the Clerk by noon on the Monday before the workshop meeting. When a meeting does not fall on a Thursday, the deadline would be noon on the third business day before the meeting. With regard to regular meetings, the Township Attorney should have all resolutions and ordinances to the Clerk's office by noon on the Monday before the meeting. The same deadline of noon on the third business day before the meeting would hold for meetings not scheduled on a Thursday. Emergency items would be added at the discretion of the Council President. This resolution was moved to the January 28 agenda.

Regarding Item 15 (Res. Appointment of Community Development Representative & Alternate), Mayor Scannapieco asked that Business Administrator Bob Albertson and Township Engineer David Birnbaum be reappointed. This resolution was moved to the January 28 agenda.

Regarding Item 16 (First Reading/Video Arcade Ordinance), Fred Raffetto, Esq. informed the Council that he and Zoning Officer Frances Kessler are working on the ordinance, and will have a revised draft ready for discussion at the Feb. 11 workshop meeting.

Item 17 (First Reading/Emergency Service Benefits) was discussed by Council. They discussed what the definition of emergency service members should be, and what fees should be waived. The Township Attorney was asked to research legal issues and what parameters should be used to determine what fees should be waived and for whom. This will be discussed at the Feb. 11 workshop meeting.

Item 18 (First Reading/Amendment to Grease Trap Ordinance) was moved to the January 28 agenda, as per the WMUA's recommendations.

Item 19 (First Reading/Buffering Requirements) was moved to the January 28 agenda.

Regarding Item 20 (Res./Ord Presiding Magistrate), Township Attorney John Bennett informed the Council that an ordinance

change would be necessary to designate the presiding judge. After the ordinance has been adopted, the Council would have to pass a resolution designating Judge Newman as the presiding judge. First Reading on the ordinance was moved to the January 28 agenda.

Item 21 (First Reading\No Passing Zone - Mohawk Drive) was moved to the January 28 agenda, as per Lt. Schick's recommendation.

The following Items were moved to the January 28 agenda: Item 22 (Transfer), Item 23 (Temporary Budget), Item 24 (Temporary Budget - Swim Utility), Item 25 (Tax Collector Resolutions - 5) and Item 26 (Correction and/or Approval of Minutes: Nov. 24, Dec. 3 and Dec. 10, 1992).

Good & Welfare - Councilman Broderick brought up the recent incident involving a patient escaping from Marlboro Psychiatric Hospital. He felt that the actions of the staff of that hospital were negligent, and that Council should call for Dr. Ross's resignation. Mayor Scannapieco stated that he had not been notified by Dr. Ross, and therefore could not have notified any Council member. Council President Lichter informed the Council that Senator Bennett has written a letter to Acting Commissioner William Waldman of the Department of Human Services asking for a formal investigation into the circumstances surrounding this escape, exploring whether formal legislative steps should be taken to protect the clients and the surrounding community. He asked that Council take action on a Resolution supporting the Mayor's request for such investigation. Council agreed, and the following Resolution #2-93 (Supporting Investigation and Determination of Whether Legislative Steps Should Be Taken) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

#### RESOLUTION # 2-93

WHEREAS, it has become general public knowledge through the media that a recent escapee from the Marlboro Psychiatric Hospital was permitted to leave the premises where he was alleged to have been in a secured unit and, subsequently, was discovered several days later in New York City; and

WHEREAS, there has been a historic and ongoing problem at the Marlboro facility with respect to escapes from the premises, which has resulted in a Court Order being entered mandating that a minimum of twenty-five (25) security guards be provided for this institution; and

WHEREAS, Mayor Matthew Scannapieco has requested that an investigation be undertaken in order to determine the circumstances surrounding the recent escape of this violent, dangerous individual as well as to determine what corrective steps have been taken to prevent a repeat of this type of incident in the future; and

WHEREAS, by letter dated January 13, 1993, Senator John O. Bennett, III, our Township Attorney, advised Acting Commissioner William Waldman of the Department of Human Services of Mayor Scannapieco's request for the investigation and indicated that formal legislative steps may need to be undertaken in order to continue to protect the clients at the institution as well as the surrounding community.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it supports the Mayor's request for an investigation into the circumstances surrounding this escape as well as into the corrective steps which have been taken in order to prevent a repeat of this type of incident in the future.

BE IT FURTHER RESOLVED that the Township Council of the Township of Marlboro supports the request of Senator John O. Bennett, III, that the findings of the investigation be explored in order to determine whether any formal legislative steps should be undertaken in order to protect the clients at the institution as well as the surrounding community.

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

1. Acting Commissioner William Waldman,  
Department of Human Services,  
Capital Place One  
222 South Warren Street  
Trenton, New Jersey 08625
2. Honorable Matthew V. Scannapieco
3. John O. Bennett, III, Senator, District 12
4. Clare Farragher and Michael Arnone, Assemblypersons,  
District 12
5. Dr. Michael Ross, Chief Executive Officer  
Marlboro Psychiatric Hospital

At 11:00 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purpose of discussing litigation. This was seconded by Councilman Gurtman, and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of January, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 11:15 PM, Councilman Friedman moved that the executive session be opened. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Motion to adjourn was then made by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *February 25, 1993*

OFFERED BY: *Broderick*

AYES: *5*

SECONDED BY: *Friedman*

NAYS: *0*

*Evelyn N. Piccolini*

EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

HERBERT LICHTER  
COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

January 28, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on January 28, 1993 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:30 PM, notice of which had been sent to the Asbury Park Press on January 22, 1993. After Council President Lichter read such announcement, Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 28th day of January, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:00 PM, Councilman Friedman moved that the Closed Session be opened. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman and Council President Lichter.  
Councilman Gurtman arrived at 8:50 PM.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta

RESOLUTION # 3-93

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

ORDINANCE # 1-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Feb. 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 1-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 40-3 (Definitions and Word Usage) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

A. Words Defined. As used in this Chapter, the following terms shall have the meanings indicated:

CALL SCREENING - The act of calling by telephone the originating location of the alarm signal to determine its validity when the potential exists for a delayed investigative response or to avert the unnecessary response of other emergency services.

FALSE ALARM - Any alarm or signal of-an-alarm-system-actuated by-inadvertence,-negligence,-intentional-or-unintentional-act of-a-person-other-than-an-intruder-and-including,-as-well,-alarms-caused-by-mechanical-failure,-malfunctioning-or-improper installation-of-the-alarm-console activation caused by operator negligence, or by a willful or deliberate act causing the system to summon police or an emergency service response when no emergency exists, or a mechanical failure of a system or component of same causing a false signal, but not to include alarms created by mechanical failure or a malfunctioning of the Township's alarm console.

GRACE PERIOD - A working test period allowed to a registered owner/operator of new alarm systems installed within the Township, the duration of which will not exceed thirty (30) days. Grace periods for service purposes of an existing system may be granted by the Chief of Police or his designated representative at the request of a licensed alarm company to aid in the servicing of a system. This period shall not exceed fourteen (14) days.

2. Section 40-4 (Alarm Console) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

B. A connection fee of twenty-five dollars (\$25.00) per line and an annual retainer or maintenance fee of ~~fifty-dollars-(\$50.00)~~ two hundred seventy-five dollars (\$275.00) per building shall be charged to each subscriber to the police alarm console; except, however, that no fee shall be charged to the Township of Marlboro or the Board of Education in the facilities used in the Marlboro education system of the Township of Marlboro or the fire companies and first aid and rescue squads and municipal swim club for annual charges or console connection charges for any existing or future systems in public buildings. In addition, no fee shall be charged to any church located within the Township as defined in Section 84-4 of this Code for annual charges or console connection charges for any existing or future systems in church buildings.

3. Section 40-12 (General Regulations) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

F. All components of alarm equipment must be maintained by the owner in good repair, and, when evidence exists that there has been a mechanical failure or malfunction of a system or failure to comply with the operational requirements of this Chapter, the Chief of Police is then authorized to demand that such device be disconnected until such time and compliance with current requirements is reestablished. The Township reserves the right to discontinue a physical response to the alarm location until the owner provides proof to the Township that the system has been serviced and inspected by a licensed alarm company. Notice will be given to the alarm owner/operator, designated emergency contact or central station, should the Township invoke this procedure, by the quickest means possible at the time of occurrence followed by written notice to the registrant that this procedure was utilized in the interest of public safety.

I. Alarm systems connected to the Township's alarm monitoring system must be equipped with a twenty-four (24) hour dial-up test module. The Chief of Police or his designated representative shall be given authority to arrange with all present subscribers a time schedule to modify their presently connected systems.

J. All fees required by this Chapter shall be payable to the Township of Marlboro and paid to the Chief of Police. Any fee paid more than thirty (30) days after its due date shall require an additional penalty of ten dollars (\$10.00).

4. Section 40-13 (False Alarms) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

A. In the case of a false alarm, for other than fire alarms, any person having knowledge thereof shall immediately notify the police department in a manner to be prescribed by rules and regulations in accordance with Section 40-14 of this Chapter. In addition, in the case of false alarms, the Chief of Police shall cause an investigation to be made and keep a record of said alarms on file. For such false alarms, the following penalties are prescribed: For the first and second false alarm in any given calendar year, a warning shall be issued: for the third false alarm in the same calendar year, a fine of twenty dollars (\$20.00) shall be paid to the Township of Marlboro; and for the fourth and each subsequent false alarm, a fine of fifty dollars (\$50.00) shall be paid to the Township of Marlboro. In the event that ~~the on-scene phase of the investigation as cited in this Subsection A cannot reveal that the alarm system in question did in fact activate, none of the penalties as cited above shall apply.~~ an on-scene alarm activation investigation cannot reveal that the alarm system in question did in fact activate, or in the case of an activation where proof can be submitted that the signal set or received was a result of a system functioning properly, provided, however, the system is in compliance with all industry performance standards, none of the penalties as cited above shall apply.

5. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

6. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolutions/Ordinances were introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot: Resolution #4-93/Ordinance #2-92 (Amend Chapter 126 - Grease Traps), Resolution #5-93/Ordinance #3-93 (Amend Chapter 84 - Buffering Requirements C-2 Neighborhood Commercial District), Resolution #6-93/Ordinance #4-93 (Amend Chapter 4 - Presiding Magistrate), and Resolution #7-93/Ordinance #5-93 (Amend Chapter 138 - No Passing Zone - Mohawk Drive).

RESOLUTION # 4-93

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

ORDINANCE # 2-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 126-5.1 (INSTALLATION AND MAINTENANCE OF  
GREASE TRAPS) OF CHAPTER 126 (SEWERS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Feb. 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
126-5.1 (INSTALLATION AND MAINTENANCE OF GREASE  
TRAPS) OF CHAPTER 126 (SEWERS) OF THE "CODE OF  
THE TOWNSHIP OF MARLBORO, JERSEY."

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

1. Section 126-5.1 (Installation and Maintenance of Grease Traps) of Chapter 126 (Sewers) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

Section 126-5.1. Installation and Maintenance of Grease Traps.

B. All grease traps shall be designed in accordance with current National Plumbing Code Standards and subject to the final approval of the Western Monmouth Utilities Authority and, upon application for a plumbing permit, shall be plan reviewed and inspected by the Marlboro Township Plumbing Inspector.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

RESOLUTION # 5-93

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

ORDINANCE # 3-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-51  
(C-2 NEIGHBORHOOD COMMERCIAL DISTRICT) OF CHAPTER 84  
(LAND USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 3-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
84-51 (C- 2 NEIGHBORHOOD COMMERCIAL DISTRICT) OF CHAPTER  
84 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-51 (C-2 Neighborhood Commercial District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended to supplement subsection I(3) as follows:

I. Other provisions.

- (3) Where the property line of a proposed commercial lot abuts a residential zone or use, a buffer area shall be established, which shall include an area of land thirty (30) feet in width as measured from said property line. For the purpose of establishing a building setback line along the buffer area, all side and rear yard lines shall be increased by a depth of thirty (30) feet. The buffer screen shall meet the standards set forth in Section 84-63 of this chapter. However, where the property line of a proposed commercial lot abuts property located in the MFD-II zone, the buffer area required by this subsection shall be ten (10) feet in width.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect immediately upon final passage and publication in accordance with the law.

RESOLUTION # 6-93

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

ORDINANCE # 4-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 4-34 (DEPARTMENTS, OFFICES, AGENCIES  
AND COMMISSIONS) OF CHAPTER 4 (ADMINISTRATION OF  
GOVERNMENT) OF THE "CODE OF THE TOWNSHIP OF  
MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Feb. 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard

ORDINANCE # 4-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 4-34 (DEPARTMENTS, OFFICES, AGENCIES  
AND COMMISSIONS) OF CHAPTER 4 (ADMINISTRATION OF  
GOVERNMENT OF THE "CODE OF THE TOWNSHIP OF  
MARLBORO, NEW JERSEY."

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

1. Section 4-34 (Departments, Offices, Agencies and Commissions) of Chapter 4 (Administration of Government) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in order to change Subsection D(5)(b) as follows: **(b) Municipal Judges.** There shall be two (2) Municipal Judges of the Municipal Court appointed by the Mayor with the advice and consent of the Council, one of whom shall be designated as Presiding Magistrate, who shall serve for terms of three (3) years from the date of appointment and until a successors shall be qualified and appointed. The Municipal Judges shall have the functions, duties, powers and jurisdictions conferred by the laws of the State of New Jersey (N.J.S.A. 2A:8-1, et seq.) or by general law or ordinance. He They shall sit at least once a week until the calendar is completed and at such other times as the business of the Court may require, subject to the rules applicable to municipal courts.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

RESOLUTION # 7-93

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

ORDINANCE # 5-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-57 (SCHEDULE XX: NO-PASSING ZONES OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Feb. 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 5-39

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-57 (SCHEDULES XX: NO-PASSING ZONES) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-57 (Schedule XX: No-Passing Zones) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

B. No-Passing Zones are established along the following roadways in the Township of Marlboro as authorized by the New Jersey Department of Transportation.

ROAD

NO PASSING AREA

Mohawk Drive

Entire length

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon approval by the Commissioner, Department of Transportation.

Regarding Resolution #8-93 (Appointment to MTMUA), Councilman Friedman nominated Bob Schipa for such appointment. Councilman Broderick seconded the nomination, and spoke about his qualifications and commended him for the outstanding job he has done as liaison to the MTMUA. Councilman Friedman reiterated Councilman Broderick's sentiments. Vote was taken on the nomination, which was defeated on a 2 - 3 vote, with Councilman Broderick and Councilman Friedman voting in favor. Council President Lichter nominated Martin Siskel. The nomination was seconded by Councilman Carpiano. Discussion followed, after which roll call was taken on the nomination. The nomination was defeated as Councilman Broderick and Councilman Friedman voted no, Councilman Carpiano and Council President Lichter voted yes, and Council Vice President Gurtman abstained. This matter will be discussed at the February 11th workshop meeting.

The following Resolutions were introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot: Resolution #9-93 (Bond Release Phase I - Central Jersey Office and Industrial Park), Resolution #10-93 (Bond Reduction Phase II - Central Jersey Office and Industrial Park).

RESOLUTION # 9-93

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - CENTRAL JERSEY OFFICE AND  
INDUSTRIAL PARK, PHASE I

WHEREAS, Central Jersey Office and Industrial Park has requested the release of a Township held performance bond for development known as Central Jersey Office and Industrial Park, Phase I; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated December 30, 1992; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for a development known as Central Jersey Office and Industrial Park, Phase I, in the present amount of \$193,004.00 shall be reduced to zero and released.
2. That this release is subject to the following:

\*Copies of attached material to be found in regular minute book in Clerk's office.

- a. The posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$96,502.00 by the developer with the Township at the time of final release.
- b. The receipt of a revised as-build drawing for the site at the time of final release.
- c. The receipt of a Final Certificate of Compliance by the Freehold Soil Conservation District at the time of final release.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Central Jersey Office and Industrial Park
- b. Township Engineer
- c. Township Attorney

RESOLUTION # 10-93

RESOLUTION AUTHORIZING BOND REDUCTION  
CENTRAL JERSEY OFFICE AND INDUSTRIAL PARK, PHASE II

WHEREAS, Central Jersey Office and Industrial Park has requested the reduction of Township held performance bonds for development known as Central Jersey Office and Industrial Park, Phase II; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Thomas J. Herits, P.E., P.P., P.L.S. of Maser Sosinski and Associates, P.A., the consultant in charge of site inspections for this project, dated December 31, 1992, which has been approved by the Municipal Engineer, David Birnbaum, P.E.: and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for a development known as Central Jersey Office and Industrial Park, Phase II, in the current amount of \$524,570.00 shall not be reduced by any amount.
2. That the cash bond for a development known as Central Jersey Office and Industrial Park, Phase II, in the current amount

\*Copies of attached material to be found in regular minute book in Clerk's office.

of \$101,642.00 shall be reduced by \$21,461.00, so that the amount to remain shall be \$80,181.00.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Central Jersey Office and Industrial Park
- b. Township Engineer
- c. Thomas J. Herits, P.E., P.P., P.L.S.
- d. Township Attorney

The following Resolution #11-93 (Bond Reduction Bear Brook Commons) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Gurtman. Councilman Broderick asked whether the bituminous concrete stabilized base had been tested to ascertain whether it meets code standards, as it had been poured without an inspector present. As there is \$350,925, remaining in the bond, which would be more than sufficient to cover this item, Council wished to proceed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 11-93

RESOLUTION AUTHORIZING BOND REDUCTION - BEAR BROOK COMMONS

WHEREAS, Bear Brook Commons/Heller has requested the reduction of Township-held performance bonds for development known as Bear Brook Commons; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from T&M Associates, dated December 10, 1992, and January 12, 1993, which have been modified by the Municipal Engineer, David Birnbaum, P.E., in a supplemental report dated January 21, 1993; and

WHEREAS, these reports are attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance guaranty for a development known as Bear Brook Commons, in the current amount of \$397,210.00, shall be reduced by \$46,285.00, so that the amount to remain shall be \$350,925.00.

\*Copies of attached material to be found in regular minute book in Clerk's office.

2. That the cash guaranty for development known as Bear Brook Commons, in the current amount of \$45,785.00 shall be reduced by \$13,883.00, so that the amount to remain shall be \$31,902.00.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Bear Brook Commons/Heller
- b. Township Engineer
- c. T & M Associates  
Attn: Michael Krak, Supervising Chief Inspector
- d. Township Attorney

The following Resolution #12-93 (Temporary Budget - 25%) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #12-93

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro; and

WHEREAS, Revised Statute 40A: 4-19 of the State of New Jersey provides that the Governing Body of any Municipality may make temporary appropriations to provide for any contract, commitments or payments to be made between the beginning of the Budget Year and the adoption of the Final Budget.

WHEREAS, the total amount of appropriations hereunder of \$3,013,775.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1992 exclusive of any appropriations made for debt service, or capital improvement fund;

NOW, THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1993 be adopted, and a certified copy of this Resolution be forwarded to the Township Finance Director for his records.

TEMPORARY BUDGET  
TOWNSHIP OF MARLBORO  
1993

ADMINISTRATIVE & EXECUTIVE

Salaries & Wages	
Mayor	5,400.00
Central Purchasing	-0-
Council	30,000.00
Administration	35,000.00
Other Expenses	
Mayor	1,000.00
Central Purchasing	15,000.00
Council	10,000.00
Administration	10,000.00

FINANCIAL ADMINISTRATION

Salaries & Wages	26,000.00
Other Expenses	10,000.00
Annual Audit	5,000.00

ASSESSMENT OF TAXES

Salaries & Wages	22,000.00
Other Expenses	20,000.00

COLLECTION OF TAXES

Salaries & Wages	30,000.00
Other Expenses	15,000.00

<u>LIQUIDATION OF TAX TITLE LIENS</u>	3,000.00
---------------------------------------	----------

LEGAL SERVICES & COSTS

Salaries & Wages	35,000.00
Other Expenses	40,000.00

ENGINEERING

Salaries & Wages	42,000.00
Other Expenses	15,000.00

BUILDING MAINTENANCE

Salaries & Wages	15,000.00
Other Expenses	25,000.00

STATE CONSTRUCTION CODE

Salaries & Wages	50,000.00
Other Expenses	5,000.00

PLANNING BOARD

Salaries & Wages	8,200.00
Other Expenses	10,000.00
Contractual O/E	15,000.00

BOARD OF ADJUSTMENT

Salaries & Wages	12,500.00
Other Expenses	10,000.00
Contractual	15,000.00

<u>HEALTH BENEFITS</u>	230,000.00
------------------------	------------

<u>GENERAL INSURANCE</u>	265,000.00
--------------------------	------------

<u>WORKERS COMPENSATION</u>	81,000.00
-----------------------------	-----------

PUBLIC SAFETY

Salaries & Wages	
Police	720,000.00
Fire Prevention	11,100.00
Highway Safety	50,000.00
Other Expenses	
Police	40,000.00
Fire Prevention	2,000.00
Highway Safety	10,000.00

EMERGENCY MANAGEMENT

Other Expenses	2,000.00
----------------	----------

CRIME PREVENTION

Other Expenses	2,000.00
----------------	----------

SANITATION

Salaries & Wages	10,000.00
Other Expenses	10,000.00

RECYCLING

Salaries & Wages	10,000.00
Other Expenses	45,000.00

PUBLIC WORKS

Salaries & Wages	
Road Maintenance	200,000.00
Equipment Maintenance	55,000.00
Grounds Maintenance	96,000.00

Other Expenses	
Road Maintenance	50,000.00
Equipment Maintenance	15,000.00
Grounds Maintenance	20,000.00

DOG REGULATIONS

Other Expenses	3,500.00
----------------	----------

HEALTH & WELFARE

Salaries & Wages	
Health Services - Registrar	1,000.00
Public Assistance	1,250.00
Drug Control	1,750.00
Other Expenses	
Health Services - Registrar	100.00
Public Assistance	500.00
Drug Control	100.00

RECREATION & EDUCATION

Salaries & Wages	50,000.00
Other Expenses	30,000.00

<u>EXPENSES OF THE PUBLIC LIBRARY</u>	5,000.00
---------------------------------------	----------

UTILITIES

Gasoline	25,000.00
Diesel Oil	10,000.00
Electric	40,000.00
Telephone	15,000.00
Natural Gas	3,000.00
Heating Oil	15,000.00
Street Lighting	96,000.00
Water	2,000.00
Sewer	2,000.00

<u>SOCIAL SECURITY</u>	150,000.00
------------------------	------------

<u>UNEMPLOYMENT</u>	10,000.00
---------------------	-----------

MUNICIPAL COURT

Salaries & Wages	55,000.00
Other Expenses	20,000.00

AFFORDABLE HOUSING

Salaries & Wages	1,375.00
Other Expenses	5,000.00

CLEAN COMMUNITIES

Salaries & Wages	10,000.00
Other Expenses	<u>2,000.00</u>
TOTAL GENERAL OPERATING BUDGET	\$ 3,013,775.00

## MUNICIPAL DEBT SERVICE

Bond Principal	500,000.00
Bond Interest	200,000.00

The following Resolution #13-93 (Temporary Budget - Swim Utility) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #13-93

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro; and

WHEREAS, Revised Statute 40A: 4-19 of the State of New Jersey provides that the Governing Body of any Municipality may make temporary appropriations to provide for any contract, commitments or payments to be made between the beginning of the Budget Year and the adoption of the Final Budget.

WHEREAS, the total amount of appropriations hereunder of \$66,000.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1992 exclusive of any appropriations made for debt service, or capital improvement fund;

NOW, THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1993 be adopted, and a certified copy of this Resolution be forwarded to the Township Finance Director for his records.

TEMPORARY BUDGET  
SWIM POOL UTILITY  
1992

Salaries & Wages	15,000.00
Other Expenses	25,000.00
Capital Outlay	25,000.00
Social Security	<u>1,000.00</u>
	\$66,000.00

The following Resolution #14-93 (Transfer - \$41,510.00) was introduced by reference, offered by Councilman Broderick and seconded by Council President Lichter. Council President Lichter asked Mayor Scannapieco if the increase in electric bills had been checked into, and the Mayor responded that a good portion of the amount was related to increased costs on municipal property. Business Administrator Bob Albertson is analyzing this matter and will inform Council when he has completed his analysis. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #14-93

WHEREAS, certain appropriations in the 1992 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S.40 A 4-59 allows transfers to be made between line item appropriations during the first three months of any fiscal year for the immediately preceding fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made:

FROM:

Group Insurance	\$41,510.00
-----------------	-------------

TO:

Tax Collector S & W	635.00
Legal S & W	2,800.00
Buildings & Grounds S & W	300.00
Buildings & Grounds O/E	2,000.00
Zoning Board S & W	1,050.00
Highway Safety S & W	2,225.00
Recycling S & W	2,000.00
Recycling O/E	5,000.00
Electric	15,000.00
Natural Gas	1,500.00
Streets & Roads S & W	6,000.00
Social Security	<u>3,000.00</u>
	\$41,510.00

The following Resolutions were introduced by reference, offered by Councilman Carpiano, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot:  
 Res. #15-93 (Redemption of Third Party Liens), Res. #16-93 (Veteran Deductions - Various), Res. #17-93 (Senior Cit. and Disabled Person Deductions), Res. #18-83 (Redemption Tax Sale Certificates - Various), and Res. #19-93 (Redemption Tax Sale Certificate 92-116).

RESOLUTION # 15-93

WHEREAS, current sewer charges totaling \$1,088.06 have been paid by property owners along with redemptions of third party liens as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,088.06 be refunded to the Western Monmouth Utilities, Authority.

## SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
176	41	Bokstrom, J&W & I&D Moucatel	604.19
380	4	Hodes, Albert & Kalb, Marion	<u>483.87</u>
TOTAL----			\$ 1,088.06

RESOLUTION #16-93

WHEREAS, Veteran deductions totaling \$100.00 have been allowed by the Tax Collector as per Schedule "A" for the year 1992, and

WHEREAS, taxes for the year 1992 have been paid in full on the listed properties,

THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$100.00 to the above-mentioned taxpayers.

## SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
379	21	Arthur Farber	\$ 50.00
380	19	Harvey Karpf	<u>50.00</u>
TOTAL-----			\$100.00

RESOLUTION #17-93

WHEREAS, Senior Citizen and Disabled Person deductions totaling \$500.00 have been allowed by the Tax Collector as per Schedule "A" for the year 1992, and

WHEREAS, taxes for the year 1992 have been paid in full on the listed properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$500.00 to the above-mentioned taxpayers.

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	TYPE OF DEDUCTION	AMOUNT
147	31.01	Eugene Lanzaro	Senior Citizen	\$250.00
170	7	Bernard Preis	Disabled	<u>250.00</u>
TOTAL-----				\$500.00

RESOLUTION #18-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$36,916.37 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount the \$36,916.37 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

LIEN NO	BLOCK	LOT	LIEN HOLDER	AMOUNT
92-21	153	113	Mountain Ridge Development Corp.	\$10,068.53
92-120	288	29 C0505	"	2,567.60
92-19	153	111	"	2,063.16
92-20	153	112	"	2,014.37
92-135	176	41	L. Aiese	484.45
90-13	380	4	Sheila Brodsky and Morton Salkind	4,567.45
91-17	380	4	"	8,988.36
(1991 taxes and interest paid by lien holder of 91-17)				5,722.85
92-151	380	4	"	<u>439.60</u>
TOTAL-----				\$36,916.37

RESOLUTION #19-93

WHEREAS, the rightful owner of Block 288 Lot 29 C0405 has redeemed Tax Sale Certificate 92-116 in the amount of \$2,570.84,

WHEREAS, the holder of said tax sale certificate, Mountain Ridge Development Corp., is entitled to the amount of the sale plus interest and costs totaling \$2,570.84,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$2,570.84 be refunded to the holder of said certificate as above.

The following Resolution #20-93 (Establishing Fees for Swim Facility Programs) was introduced by reference, offered by Councilman Friedman, and seconded by Councilman Broderick. Township Attorney John Bennett stated that he had been asked by Arthur Lawrence to ask Council to amend the resolution by exempting Swim Facility employees from paying the swim team fee. Council agreed, and the Resolution was amended accordingly. The Clerk was asked to cast one ballot for Resolution #20-93, as amended.

RESOLUTION #20-93

RESOLUTION ESTABLISHING 1993 SWIM DIVISION FEES

WHEREAS, the Township Council adopted Ordinance No. 43-92 on November 24, 1992, which amended various sections of Chapter 132 (Swimming Pool Facility, Municipal) of the Township Code and provided that certain swim facility regulations and fees shall be established by Resolution of the Township Council on an annual basis; and

WHEREAS, pursuant to the adoption of the said Ordinance the Township Council passed Resolution No. 372-92 on November 24, 1992, which approved certain changes in facility membership and fees for the 1993 season; and

WHEREAS, the Swim Division has considered the remaining regulations and fees which must be set by Resolution for the 1993 season; and

WHEREAS, by letter dated December 9, 1992, the Swim Division requested that the Township Council approve their remaining recommendations for the 1993 season; and

WHEREAS, a copy of the said letter is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

\*Copies of attached material to be found in regular minute book in Clerk's office.

1. That the number of limited-use memberships which shall be available for the 1993 season shall be seven hundred fifty (750).
2. That the fee for lockers, including lock deposit, for the 1993 season shall be twenty-five dollars (\$25.00).
3. That the penalty fee for late membership fees for the 1993 season shall be twenty-five dollars (\$25.00).
4. That the fee for returned checks which have been determined to be uncollectible for the 1993 season shall be twenty five dollars (\$25.00).
5. That the fee for group swim lessons for the 1993 season shall be twenty dollars (\$20.00) for each session of twelve (12) lessons.
6. That the fee for private or semi-private swim lessons (one-half hour duration) for the 1993 season shall be as follows:
  - a. For a lifeguard: ten dollars (\$10.00) for private lessons; twelve dollars (\$12.00) for semi-private lessons.
  - b. For a water safety instructor: twelve dollars (\$12.00) for private lessons; sixteen dollars (\$16.00) for semi-private lessons.
  - c. For any such lessons, the person providing the lesson shall not be paid his/her regular hourly pay but rather shall receive fifty percent (50%) of the lesson fee as salary. The Swim Club shall retain the other fifty percent (50%) of the lesson fee.
7. That the day camp fee for children enrolled in the Swim Club Day Camp for the 1993 season shall be one hundred dollars (\$100.00) for the first child and ninety dollars (\$90.00) for each additional child in the same family.
8. That there shall be a swim team fee for the 1993 season at a rate of ten dollars (\$10.00) per child. Of this amount, the swim team shall receive fifty percent (50%) and the Swim Club shall retain the other fifty percent (50%). Swim facility employees shall be exempt from the payment of this fee.
9. That the hours of operation of the pool facility for the 1993 season shall remain the same as in 1992.
10. That the fee for failing to appear for the taking of identification photographs for the 1993 season shall be five dollars (\$5.00) per member.
11. That the fee to replace a lost identification card for

the 1993 season shall be five dollars (\$5.00) per card.

12. That the fee for guest books for the 1993 season (per book of fourteen (14) tickets) shall be twenty-one dollars (\$21.00). The number of tickets required per guest for the 1993 season shall remain the same as in 1992.

13. That the fee for waiting list applications for the 1993 season shall be twenty dollars (\$20.00).

14. That a certified copy of this resolution shall be provided to each of the following:

- a. Arthur Lawrence
- b. Dory Marcus, Chair, Swim Division
- c. Robert Albertson, Business Administrator
- d. Township Attorney

The following Resolution #21-93 (Authorization to Bid: Restaurant Concession - Marlboro Swim Club; Gazebos - Marlboro Swim Club; Construction of Community Center) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 21-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Restaurant Concession - Marlboro Swim Club

Gazebos - Marlboro Swim Club

Construction of Community Center

The following Resolution #22-93 (Appointing Robert Albertson Community Development Representative and David Birnbaum as Alternate) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 22-93RESOLUTION APPOINTING COMMUNITY  
DEVELOPMENT REPRESENTATIVE  
AND ALTERNATE FOR 1993

WHEREAS, the Mayor and Township Council of the Township of Marlboro must appoint a Community Development representative and alternate for the calendar year 1993, who shall serve as the liaison between the Township and the Monmouth County Office of Community Development.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Robert J. Albertson shall be appointed to serve as Community Development Representative for the Township of Marlboro for the calendar year 1993.

2. That David Birnbaum shall be appointed to serve as Community Development Alternate for the Township of Marlboro for the calendar year 1993.

3. That a certified copy of this Resolution be provided to each of the following:

- a. Robert J. Albertson, Business Administrator
- b. David Birnbaum, Township Engineer
- c. Thomas J. Powers, Deputy Director,  
Monmouth County Office of Community Development,  
Hall of Records, East Main Street,  
P.O. Box 1255, Freehold, New Jersey 07728-1255
- d. Township Attorney

The following Resolution #23-93 (Refund of Zoning Board Special Meeting Fee Cellular One) was introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 23-93RESOLUTION AUTHORIZING REFUND OF FEES  
PAID BY LONG BRANCH CELLULAR ONE

WHEREAS, by Resolution dated November 10, 1992, (which memorialized action taken on October 21, 1992), the Marlboro Township Zoning Board of Adjustment requested that the Township Council authorize a refund, less court stenography fees, to Long Branch Cellular One for fees paid to the Township for a special

meeting which did not take place because the Board failed to assemble sufficient members; and

WHEREAS, a copy of the Zoning Board's resolution is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the special meeting fees paid to the Township of Marlboro for the September 16, 1992, meeting of the Zoning Board of Adjustment shall be returned to Long Branch Cellular One less court stenography fees.

2. That a certified copy of this Resolution be provided to each of the following:

- a. Long Branch Cellular One
- b. Marlboro Township Zoning Board of Adjustment
- c. Sheila Fishkin, Chief Financial Officer
- d. Township Attorney

The following Resolution #24-93 (Procedure for Agenda Items) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 24-93

WHEREAS, the Township Council of the Township of Marlboro has determined the procedure which shall govern all items to be placed on the agenda for workshop meetings in 1993.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That all items to be placed on the agenda for workshop meetings in 1993 shall be provided to the Township Clerk in memorandum form no later than noon on the Monday prior to the meeting.

2. That if a workshop meeting shall be scheduled on any day other than Thursday, the above items shall be provided to the Township Clerk in memorandum form no later than noon on the day which falls seventy-two (72) hours prior to the date scheduled for the meeting. In such cases, if the deadline day falls over a

\*Copies of attached material to be found in regular minute book in Clerk's office.

weekend, the above items shall be provided to the Township Clerk no later than noon on the Friday prior to the week in which the meeting is scheduled.

3. That the necessary backup documentation shall be attached to all such items.

4. That the memorandum should state whether action is required at the meeting, along with an explanation as to why immediate action is necessary.

5. That no item shall be placed on an agenda unless this procedure has been followed.

6. That a certified copy of this Resolution be provided to each of the following:

- a. All Departments
- b. Township Attorney

The following Resolution #25-93 (Authorizing Return of Deposit to India Cultural Association) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #25-93

RESOLUTION AUTHORIZING THE RETURN OF DEPOSIT  
MONIES TO INDIA CULTURAL ASSOCIATION OF  
CENTRAL JERSEY

WHEREAS, on June 25, 1992, the Township Council adopted Ordinance No. 15-92, which authorized the sale of Lot 21 in Block 154 in the Township of Marlboro, County of Monmouth, State of New Jersey, at open public sale; and

WHEREAS, the open public sale was held on August 13, 1992, and the India Cultural Association of Central Jersey was determined to be the highest bidder for the property at the price of \$105,125.00; and

WHEREAS, on September 10, 1992, the Township Council passed Resolution No. 285-92, which confirmed the said sale; and

WHEREAS, pursuant to the Ordinance which authorized the sale, the India Cultural Association of Central Jersey deposited ten percent (10%) of the bid price with the Township pending the final closing of title on the property; and

WHEREAS, as a result of the sale, a law suit has been filed entitled Reeves vs. Mayor and Township Council of the Township of Marlboro, bearing Docket No. MON-L-5830-92, which seeks to enjoin

the said sale; and

WHEREAS, since the institution of the above litigation, the closing date on the property has been extended for three (3) periods by mutual agreement of the Township and the India Cultural Association of Central Jersey in order to afford the respective parties with the opportunity to evaluate whether to proceed with the sale; and

WHEREAS, by letter dated December 14, 1992, Steven J. Tripp, Esq., attorney for the India Cultural Association, advised the Township Attorney that the Association had determined not to proceed with the purchase of the property and requested the return of their deposit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the deposit submitted with the Township by the India Cultural Association of Central Jersey in furtherance of their successful bid to purchase the property located at Lot 21 in Block 154 in the Township of Marlboro, County of Monmouth, State of New Jersey, shall be returned.

2. That a certified copy of this Resolution be provided to each of the following:

- a. Sat Khurana  
Nine Cyprus Lane  
Marlboro, New Jersey 07746
- b. Steven J. Tripp, Esq.  
Wilentz Goldman & Spitzer  
90 Woodbridge Center Drive  
Woodbridge, New Jersey 07095
- c. Sheila Fishkin, Chief Financial Officer
- d. Township Attorney

The following Resolution #26-93 (Renewal of Trailer Park Licenses) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #26-93

BE IT RESOLVED by the Township 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 1993:

ROBERTSVILLE MOBILE HOME PARK  
RD #3, Box 206, Hwy. 9  
Englishtown, N. J. 07726

WICKATUNK VILLAGE INC.  
RD #1, Crine Road  
Morganville, N. J. 07751

WHEREAS, the above-named applicants have paid the fees due for the year 1993 Trailer Park License.

NOW, THEREFORE, BE IT RESOLVED that the said licenses be and they are hereby granted.

The following Resolution #27-93 (Authorizing Mayor to Execute New Agreement - Woodcliff) was introduced by reference, offered by Councilman Carpiano and seconded by Council President Lichter. Council President Lichter stated that this matter had come up as a result of the special meeting of the Planning Board, which took place last evening. Township Attorney John Bennett and Bill O'Hagan, Esq. explained the provisions contained in the agreement. Discussion followed, and then a five-minute recess was called. After the meeting reconvened, discussion by Council followed. Township Attorney John Bennett inserted two provisions into the body of the agreement. Councilman Friedman reiterated the concerns he had raised on this issue during previous meetings. Council President Lichter called the questions, and roll call was taken on Res. #27-93, which passed on a 4 - 1 vote, with Councilman Friedman voting no.

RESOLUTION # 27-93

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
AN AGREEMENT REGARDING GRADING, CLEARING AND  
OTHER WORK TO BE PERFORMED AT BLOCK 143,  
LOTS 20, 26 AND 27 (WOODCLIFF AT MARLBORO)

WHEREAS, on November 24, 1992, the Township Council of the Township of MARLBORO adopted Ordinance Number 40-92, entitled "An Ordinance Amending and Supplementing Section 84-47.1 (TPD-II Trailer Park District) and Establishing Section 84-48.1 (MFD-I Multi-Family District) and Section 84-48.2 (MFD-II Multi-Family District) of Chapter 84, "Land Use Development and Regulations' of the Code of the Township of Marlboro"; and

WHEREAS, the said Ordinance permits the re-zoning of several areas of the Township, including the property known and designated on the Marlboro Township Tax Map as Block 143, Lots 20, 26 and 27 ("Woodcliff at Marlboro," hereinafter referred to as the "subject property"); and

WHEREAS, Ordinance No. 40-92 was expressly conditioned upon the signing of an Order by the Honorable Eugene D. Serpentelli,

A.J.S.C., which shall amend the Consent Order entered on December 24, 1985 in a lawsuit entitled Kaplan, et als. v. Marlboro Township, bearing Docket No. L-041366-84-E.P.W., and which shall permit a lesser number of overall units to be constructed on the subject property; and

WHEREAS, the amended Order has not yet been executed by Judge Serpentelli; and

WHEREAS, on November 30, 1992, Anthony Spalliero, Centrio Builders, Inc., Valley Brook Associates, Spring Valley Associates and the Township of MARLBORO entered into an Agreement (by Resolution No. 371-92) which relates to the re-zoning of the subject property, among others, and the Mount Laurel obligation of the Township; and

WHEREAS, the Township and the owners of the subject property (Anthony Spalliero, Centrio Builders, Inc. and Diraje Corporation) wish to clarify their positions vis-a-vis the November 30, 1992 Agreement and the prior approvals which were granted to the said owners by the Planning Board of the Township of Marlboro, by entering into a further Agreement; and

WHEREAS, the Agreement shall pertain to the performance of site preparation work for Section I of the "Woodcliff at Marlboro" project which is to be constructed at the subject property, including certain clearing and grading as well as the installation of utilities and construction of stream crossings, as more particularly described in the Agreement attached hereto; and

WHEREAS, the property owners appeared before the Marlboro Township Planning Board on January 27, 1993 to explain the site preparation work which is to be performed at the subject property; and

WHEREAS, on January 27, 1993, the Marlboro Township Planning Board passed a Resolution recommending to the Mayor and Council that the proposed Agreement be approved and executed.

WHEREAS, the Agreement is attached hereto and made a part hereof as set forth in full.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest an Agreement between Anthony Spalliero, Centrio Builders, Inc., Diraje Corporation, Green Meadows Holdings Partnership and the Township of Marlboro, which Agreement is attached hereto and made a part hereof.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Anthony Spalliero
- b. Centrio Builders, Inc.
- c. Diraje Corporation
- d. Green Meadows Holdings Partnership
- e. William O'Hagan, Esq.
- f. Township Attorney

AGREEMENT

AGREEMENT made this 28th day of January, 1993, between ANTHONY SPALLIERO and CENTRIO BUILDERS, INC., whose address is 652 Beers Street, Hazlet, New Jersey, 07730 and DIRAJE CORPORATION, a New Jersey Corporation whose address is 795 Franklin Avenue, Franklin Lakes, New Jersey 07417, hereinafter collectively referred to as "Owner" and GREEN MEADOWS HOLDINGS PARTNERSHIP, a New Jersey Partnership, whose address is 3 Jocama Boulevard, Old Bridge, New Jersey 08887, hereinafter referred to as "Contract Purchaser" and the TOWNSHIP OF MARLBORO, 1979 Township Drive, Marlboro, New Jersey 07746, hereinafter referred to as "Township".

WITNESSETH:

WHEREAS, Owner is the owner of Block 143, Lots 20, 26 and 27 on the Tax Assessment Map of the Township of Marlboro, hereinafter "Subject Premises"; and

WHEREAS, the Township of Marlboro Planning Board has granted preliminary site plan approval to Diraje to construct 1,060 units upon the "Subject Premises" of which 233 units are to be affordable by persons of low and moderate income; and

WHEREAS, the Planning Board of the Township of Marlboro has granted final site plan approval for Section I of the project to Diraje; and

WHEREAS, Diraje has posted the required improvement guarantees with the Township of Marlboro; and

WHEREAS, on November 30, 1992, Anthony Spalliero, Centrio Builders, Inc., Valley Brook Associates, Spring Valley Associates, and the Township of Marlboro entered an agreement which agreement relates to the rezoning of the Subject Premises and the Mount Laurel obligation of the Township, among other things; and

WHEREAS, Green Meadows is the contract purchaser of the Subject Premises; and

WHEREAS, pursuant to the approvals received from the Township of Marlboro Planning Board and other governmental agencies, Diraje has commenced the clearing of the Subject Premises in Section I; and

WHEREAS, pursuant to said approvals, Diraje intends to continue with site preparation work including clearing and grading, the installation of utilities and the construction of the stream crossings; and

WHEREAS, the purpose of this Agreement is to clarify the positions of the parties vis-a-vis the November 30, 1992 Agreement and the approvals granted to Diraje by the Planning Board of the Township of Marlboro.

NOW, THEREFORE, in consideration of the mutual covenants, promises and conditions herein contained, the parties hereto agree to and with each other as follows:

1. (a) Diraje shall continue the work involved with site preparation including grading, clearing, the installation of utilities and stream crossings, all of which work shall be in accordance with the approvals granted by the Planning Board for Section I as well as by other governmental agencies limited to areas depicted on a plat entitled "Woodcliff at Marlboro" prepared by E.S.P., revised October 2, 1990 and marked January 27, 1993, attached hereto as Exhibit 1.

1. (b) This Agreement shall not modify any Agreement previously entered into and executed by the Township with respect to this property.

2. In the event no construction work is performed by Diraje upon the Subject Premises or in the event there is no new development application filed in connection with the Subject Premises within a period of thirty (30) months from the date hereof, then the then owner of the Subject Premises shall be required to restore the area disturbed by Diraje subject to the approval of the consultants of the Marlboro Township Planning Board.

3. In the event that the limits of construction as provided for in any new approvals granted coincide with the approvals heretofore granted to Diraje for Section I, then no restoration shall be required. However, to the extent the areas disturbed by Diraje exceed the limits of construction pursuant to the new approvals, then the applicant shall be required to restore the aforesaid areas which exceed the limits of construction in accordance with paragraph 5 hereof.

4. In the event that additional work is contemplated to be performed on the Subject Premises by Diraje or any subsequent owner, then Diraje or the other owner shall inform Planning Board and Mayor and Council of the Township of Marlboro of same and a supplemental agreement shall be entered.

5. As determined by Diraje and Schoor & DePalma, the Planning Board Engineer, approximately 2,800 trees equal to or greater than nine (9) inch DBH are within the areas designated in

Exhibit 1 to be cleared. In the event that restoration is required, this determination shall serve as the basis from which a restoration plan is to be prepared by Diraje or any subsequent owner of the property. This plan will then be reviewed and must be found acceptable to Schoor & DePalma and the other Planning Board professionals. The cost of any required restoration shall be added as a line item to the existing posted performance guarantee.

6. This agreement shall run with the land and survive any transfer of title. In the event that "Owner" sells the "Subject Premises" then in such an event "Owner" will ensure that this Agreement will be binding on the purchasers of the "Subject Premises".

7. This Agreement is further conditioned upon the Township Council's approval allowing the Mayor to execute this Agreement.

Administrative Report - Mayor Scannapieco informed the Council that the developer of the Woodhaven development in Old Bridge had cut through the woods and entered into Hawkins Road, contrary to the Old Bridge Planning Board Resolution. This development consists of about 2,000 homes, and will pose a major traffic problem if this is not corrected. He stated that this situation will be watched diligently by the Administration and the Township Engineer. The Mayor brought up the issue of Marlboro Psychiatric Hospital. He stated that action that was taken yesterday by Commissioner Waldman, who made a request of the Governor to take back the recommendation to close Marlboro Hospital. The Mayor stated that last year Mayor and Council took the position that they were in favor of keeping the hospital open, and that he will keep Council informed of the situation. Mayor Scannapieco also spoke about incentives for emergency services volunteers, endorsing the pending legislation, and he also endorsed Council's looking into what can be done by the Township. Council President Lichter stated this matter is on the agenda for discussion at the Feb. 11th workshop meeting. Mayor Scannapieco apprised Council of a letter he had received from Mr. Shuman about a problem regarding a tax payment, for which late charges have been assessed. He will furnish Council with the letter and will turn it over to the Township Attorney for his opinion on whether these late charges can be refunded.

Public Session - David Lerner - 7 Regina Road, Morganville - spoke about H & H, a development off Tennent Road behind Regina and Brunswick Drive. He stated that he had received notice of the results of the appeal, but had not received notice of the appeal itself. He questioned why the full membership of the Planning Board could not vote on this matter. He also asked what will be done about losing the \$25,000 bond to replace the

trees. Mayor Scannapieco suggested that Mr. Lerner check into what had occurred with the former Planning Board attorney, and the Planning Board clerk.

At 10:45 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *February 25, 1993*

OFFERED BY: *Broderick*

AYES: 5

SECONDED BY: *Friedman*

NAYS: 0

*Evelyn H. Piccolini*  
\_\_\_\_\_  
EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*  
\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

February 11, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on February 11, 1993 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:30 PM, notice of which had been sent to the Asbury Park Press on February 5, 1993. After Council President Lichter read such announcement, Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 4 - 0 in favor. (Council Vice President Gurtman arrived at 8:20 PM.)

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of February, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:00 PM, Councilman Friedman moved that the Closed Session be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman, Council Vice President Gurtman  
and Council President Lichter.

Also present were: Mayor Scannapieco, Township  
Attorney John Bennett, Fred Raffetto, Esq.,  
Business Administrator Bob Albertson, Municipal Clerk  
Evelyn Piccolini and Deputy Clerk Alida DeGaeta

Item 2 (Bond Reduction Galloping Run/Rigas) was moved to the February 25 agenda, as per the engineer's recommendation.

Item 3 (Bond Release Dr. Braunstein Site Plan) was moved to the February 25 agenda, as per the engineer's recommendation.

Item 4 (Tax Collector Resolutions) was moved to the February 25 agenda.

Item 5 (Res/Ord. - No Passing Zones - Wyncrest Road, Topanemus Rd.) was discussed by Council. Council questioned why these ordinances had not been acted on by a previous Council, and asked that Lt. Schick be invited to the next workshop meeting, March 11, to discuss this matter.

Item 6 (Correction and/or Approval of Minutes: Jan. 14 & Jan. 28, 1993) was moved to the February 25 agenda.

Regarding Item 7 (Alarm Ordinance), Council President Lichter stated that he discussed Council's concerns with Lt. Tilton and was satisfied that they were adequately addressed. Councilman Friedman asked if the Township Attorney had checked into whether a homeowner could pay a fine for a false alarm without having to make a Court appearance, and also if sales tax would have to be collected by the Township. He also asked if the liability issue had been checked into. Mr. Raffetto responded that he had checked with the N. J. Division of Taxation and was told that the municipality would be responsible for collecting the 6% sales tax and remitting it to the State. However, he was not able to verify this and will do so at a later date. Business Administrator Bob Albertson reported that he spoke to Mr. Tasker of the Joint Insurance Fund, and it was Mr. Tasker's opinion that no additional insurance would be necessary, and that the township's liability would not increase. Councilman Friedman felt that he would like the opportunity to continue discussion on this matter, and would like to give Mr. Shoremount, President of the N. J. Burglar Alarm Assoc., the opportunity to speak to Council. Council asked that Mr. Raffetto invite Mr. Shoremount to the Public Hearing on this ordinance, which will be held on February 25, at which time he can have the opportunity to voice his concerns.

Regarding Item 8 (Trinity Episcopal Church - Annexation of Marlboro Township Property to Matawan Borough), Township Attorney John Bennett informed Council that according to State statute, Marlboro and Matawan can pass a resolution stating that Matawan has sole supervision of the land, without having to do an annexation. Council moved this resolution to the February 25 agenda.

Regarding Item 9 (N.J.D.O.P. - Grant Establishing Employee Manual), Business Administrator Bob Albertson informed Council that this service is available at no charge to the municipality, and that having an employee manual would be most beneficial. This resolution was moved to the February 25 agenda.

Regarding Item 10 (Recreation Fees), Council moved this resolution/ordinance to the February 25 agenda, as per the Recreation Commission's recommendation.

Regarding Item 11 (Res. - Affirmation Against Closing of Marlboro Psychiatric Hospital), Council moved this resolution to the February 25 agenda, and asked that the Governor be sent a copy. Also, the Mayor and Council President spoke about composing a letter on this matter.

Regarding Item 12 (Emergency Service Benefits Ordinance), Township Attorney John Bennett informed Council that two other towns, Old Bridge and Howell, have ordinances which waive fees for emergency service volunteers. He stated that these towns have adopted such ordinances on the premise that they are waiving only municipal fees. So far, the legality of these ordinances have not been challenged. However, he could find no specific statutory authority which grants a municipality the power to waive such fees. Senator Bennett was also asked the status of the bills pending before the legislature, and he responded that there has been no change. Council President Lichter asked the Township Attorney to contact these towns to determine what specific fees they are waiving. Councilman Broderick asked the Township Attorney to research the possibility that the township could pay for some specialized equipment used by emergency service volunteers, such as blue lights. This will be discussed at the March 11 workshop meeting.

Regarding Item 13 (Video/Arcade Ordinance), Zoning Officer Frances Kessler was present for the discussion. She gave a synopsis of the provisions of the ordinance and enumerated the changes made as a result of last month's discussion. Council asked all pertinent questions, and were satisfied that the ordinance meets their requirements, except that the licensing will be under the Business Administrator's jurisdiction. Also, separate ordinances will be drafted to amend Chapter 84, where applicable, according to the Planner's recommendations. These ordinances were moved to the February 25 agenda for First Reading.

Regarding Item 14 (Telephone Consultation Contract), Business Administrator Bob Albertson informed Council that he had received a proposal from a firm to do an in-depth analysis of the phone bills

and phone system. The fee would be \$2,500 to analyze the bills, and if design of a new system is necessary, a separate fee for this service would be charged. Council Vice President Gurtman stated he would check into what his firm paid on a similar contract. A resolution approving this contract was moved to the February 25 agenda, pending Council Vice President Gurtman's findings.

Regarding Item 15 (Cablevision Renewal Contract), Councilman Friedman informed Council that he had called the State of N.J. Board of Regulatory Commissioners to confirm the date of the expiration of the franchise agreement with Monmouth Cablevision. He was told that the date is September 19, 1993, which is contrary to everyone's understanding that the agreement runs until 1998. A letter will be sent to him confirming that information. Council President Lichter stated that he and Councilman Friedman will do some research on this matter, and will be discussing this at the March 11 workshop meeting.

Regarding Item 16 (Opposing Senate Bill 591 - Advertising Costs Agreement), Councilman Friedman asked that Council pass a resolution expressing Council's opposition to this bill. This was moved to the February 25 agenda.

Regarding Item 17 (Agreement for EAS), Councilman Friedman asked if this might be a matter to be brought up during negotiations. As the employee assistance program has already been in place for the past three years, it was Council's consensus that they proceed with moving this Resolution to the February 25 agenda, as per Administration's recommendation.

Regarding Item 18 (Administrative Report - Changing Agenda), Councilman Friedman asked that Council moved the Administrative report to a place earlier in the agenda. Poll vote was taken on whether to move this to the February 25 agenda, which was defeated 2 - 3, with Councilman Broderick and Councilman Friedman voting in favor.

Regarding Item 19 (Security at Union Hill Road Parking Lot & Parking Permits), Council Vice President Gurtman asked that the possibility of providing security at the Union Hill Park and Ride Lot be looked at. He suggested a surveillance camera to the Police Station. Business Administrator Bob Albertson was asked to check into this. Council Vice President Gurtman also asked about the possibility of revamping the ordinance to allow two license plate numbers to be written on the decal, as the Police Dept. will only take information for an alternate vehicle on a daily basis. He also felt that children of decal holders should be allowed to go on the waiting list for an second sticker. He also asked that the procedure for an alternate vehicle by the Police Department be

revised so that residents are not required to call each day. Council also discussed possible restriping to accommodate two vehicles per space. Administration will look into what can be done regarding these issues.

Good & Welfare - Council discussed the State grant application, part of which is a proposal for an aviation museum. Council Vice President Gurtman asked if the administration could contact Manalapan Township regarding improving the overpass on Route 9 at Gordons Corner Road. Mayor Scannapieco stated he would bring up this matter at a meeting with Manalapan's Planning Board, which is scheduled for later this month. The Mayor will also speak to Howard Backman, Manalapan's Mayor. Council Vice President Gurtman also asked the administration to have the Township Engineer check on the condition of the roadway on Route 520 across from the Robertsville Fire House, as dirt and debris from the construction is spilling into the roadway. Council Vice President Gurtman also stated that residents are placing brush and shrubbery in front of their homes for pick up by the township, and feels that specific days should be assigned for pick up. Council President Lichter asked about moneys from the government for storm damage. Business Administrator Bob Albertson stated he a representative from FEMA will be coming to Marlboro next week to discuss claims from storm damage. Council President Lichter brought up an article which enumerated the number of Mount Laurel units for the township. Mayor Scannapieco informed Council that he is in the process of working with the Planning Board and Township Planner on this matter. He also stated that funds coming in from settlements of prior Mount Laurel suits can be used to either refurbish units that the town can get credit for, or to transfer units. The Mayor will report back to Council on this matter in a few months. Mayor Scannapieco asked if Council would consider passing a resolution endorsing the Israel-American conference at the February 25 meeting.

At 10:15 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purpose of discussing personnel. This was seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of February, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 10:45 P.M., Council Vice President Gurtman moved that the meeting be opened, and then adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *March 25, 1993*

OFFERED BY: *Carpiano*

AYES: 4

SECONDED BY: *Lichter*

NAYS: 0

*Evelyn M. Piccolini*

*Herbert Lichter*

EVELYN PICCOLINI  
MUNICIPAL CLERK

HERBERT LICHTER  
COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

February 25, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on February 25, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter.  
Council Vice President Gurtman arrived at 8:30 PM.

Also present were: Mayor Scannapieco, Raymond Hayser, Esq., Business Administrator Bob Albertson and Deputy Clerk Alida DeGaeta.

Citizen's Voice - Gloria Littlejohn - Wooleytown Road - spoke on behalf of the Morganville Senior Citizen's Group - asked Council the status on the improvements to the senior building. Business Administrator Bob Albertson responded that the specifications for the construction are almost ready, and he was hopeful that he would be ready to ask Council for authorization to bid on this project by the next meeting. Mrs. Littlejohn asked that she be notified by administration as to when the construction will begin.  
Barry Denkensohn - 15 Nashua Drive - spoke about Monmouth Cablevision's recent rate hike and their charging of \$1.50 per month for the Cableguide. He stated that he wrote a letter to the Manager of Monmouth Cablevision expressing his indignation, and he also contacted the State cable division, but he has not yet received a reply. He asked if Council would consider communicating with other Councils in our County to exert some pressure on Monmouth Cablevision. Council President Lichter stated that Council will be discussing this matter at the March 11 workshop meeting, and will consider writing a letter and/or resolution expressing their feelings on the matter. Councilman Friedman stated that he had just received verification that the franchise expiration date is 1998, and offered to follow up on Mr. Denkensohn's letter, if Mr. Denkensohn would furnish him a copy.

Council Speaks Out - Councilman Carpiano asked if Council would consider adopting a resolution supporting Senate Bill S-717 - the Local Government Options Act - also known as the "Opt Out Bill."

Council agreed, and the following Resolution #55-93 was introduced and offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION #55-93

RESOLUTION SUPPORTING S-717 THE LOCAL GOVERNMENT  
OPTIONS ACT ALSO KNOWN AS "THE OPT OUT BILL"

WHEREAS, Senate Bill 717 was introduced on April 9, 1992 by Senator Littell giving local and county governments the option to "Opt Out" of certain state mandated programs; and

WHEREAS, the burden of funding and staffing many of these programs create a hardship for many small New Jersey towns, such as Marlboro; and

WHEREAS, the elimination of certain selected programs would have no detrimental effect on the quality of life or the safety or efficiency of the operations of the Township and would in fact benefit small towns with limited resources and revenues.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey that we hereby support and encourage passage of Senate Bill 717 and further request that a companion bill be introduced and ratified by the State Assembly.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to:

1. Senator John O. Bennett, III
2. Assemblyman Michael Arnone
3. Assemblywoman Clare Farragher
4. Monmouth County Freeholders
5. Senator Leonard Connors
6. Governing Bodies of Manalapan Township, Englishtown Borough, Freehold Township, Freehold Borough, Roosevelt Borough, Millstone Township, Farmingdale Borough, Howell Township and Colts Neck Township.

Council President Lichter asked Business Administrator Bob Albertson the status of the budget. Mr. Albertson responded that it should be in the hands of the auditor early next week, and will get it to Council shortly thereafter. Councilman Broderick complimented administration for their State of the Town report, especially the pie chart which depicted the municipal portion of the tax bill, and stated

he would like to see more such communications from the Mayor and also the Council.

Councilman Broderick moved that the minutes of Jan. 14 & Jan. 28, 1993 be approved. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

The following Res. #28-93/Ord. #1-93 (Amend Chapter 40 - Alarm Systems) was introduced by reference, offered by Councilman Carpiano, and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #1-93. Dan Jackwich, President of N. J. Burglar & Fire Alarm Assoc. - addressed Council on issues that concerned his association. He also introduced Scott Thompson, and Bob Shoremount, Past President of the association. Mr. Jackwich enumerated his concerns, and these concerns were discussed by Council. After discussion, Council was satisfied that they wished to proceed with adoption of the ordinance, as the liability issue had been addressed. Council felt that residents had a choice as to whether they wished to have their alarm monitored by the Police Dept., as they are not being mandated to do so. The only remaining issue was whether the township would have to collect sales tax, which will be determined prior to the ordinance going into effect. Council President Lichter called the question, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 28-93

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

ORDINANCE # 1-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #29-93/Ord. #2-93 (Amend Chapter 126 - Sewers - Grease Traps) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on the ordinance. Frank Abate, WMUA Commissioner - 12 Norma Court - thanked Council for acting quickly with adoption of this ordinance, and invited Council to visit the Authority to tour the plant. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 29-93

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

ORDINANCE # 2-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 126-5.1 (INSTALLATION AND MAINTENANCE OF GREASE TRAPS) OF CHAPTER 126 (SEWERS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #30-92/Ord. # 3-93 (Amend Chapter 84 - Buffering Requirements C-2 Neighborhood Commercial District) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. Council President Lichter opened the Public Hearing on Ordinance #3-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 30-93

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

ORDINANCE # 3-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-51 (C-2 NEIGHBORHOOD COMMERCIAL DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #31-93/Ord. #4-93 (Amend Chapter 4 - Presiding Magistrate) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #4-93. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 31-93

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

ORDINANCE # 4-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-34 (DEPARTMENTS, OFFICES, AGENCIES AND COMMISSIONS) OF CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #32-92/Ord. # 5-93 (Amend Chapter 84 - Buffering Requirements C-2 Neighborhood Commercial District) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. Council President Lichter opened the Public Hearing on Ordinance #3-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 32-93

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

ORDINANCE # 5-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-57 (SCHEDULE XX: NO-PASSING ZONES OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #33-93/Ordinance #6-93 (Permitting Township to Exceed Cap Rate Index) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 33-93

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

ORDINANCE # 6-93

AN ORDINANCE TO PERMIT THE TOWNSHIP OF MARLBORO TO EXCEED "CAP" INDEX RATE PURSUANT TO P.L. 1986, C. 203

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 6-93

AN ORDINANCE TO PERMIT THE TOWNSHIP OF  
MARLBORO TO EXCEED "CAP" INDEX RATE PURSUANT  
TO P.L. 1986, C. 203

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, P.L. 1986, C. 203 amended the Local Government Cap Law, to provide that a municipality may, in any year in which the index rate is less than 5%, increase its final appropriations by a percentage rate greater than the index rate but not to exceed the 5% rate as defined in the amendatory law, when authorized by ordinance, and

WHEREAS, the index rate for 1993 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 1.5%; and

WHEREAS, the Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its 1993 budget by more than 1.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$355,389.57 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Marlboro, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 1993 budget year, the final appropriations of the Township of Marlboro shall, in accordance with this ordinance and P.L. 1986, C. 203, and be increased by 3.5%, amounting to \$355,389.57, for a total budget increase of 5% over the previous year, and that the 1993 municipal budget for the Township of Marlboro be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced by filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Council President Lichter moved that the following be tabled for further discussion: Res. #34-93/Ord. #7-93 (Establishing Chapter 43 - Amusement Devices), Res. #35-93/Ord. #8-93 (Amend Land Use - Various Sections - Amusement Arcades), and Res. #36-93/Ord. #9-93 (Amend Land Use - Section 84-74.3 - Amusement Arcades). This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. These resolutions/ordinances will be discussed at the March 11 workshop meeting.

The following Res. #37-93/Ord. #10-93 (Amend Section 117-2 - Recreation Programs Fees) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 37-93

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

ORDINANCE # 10-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 117-2 (SCHEDULE OF FEES FOR RECREATIONAL  
PROGRAMS) OF CHAPTER 117 (RECREATIONAL FACILITIES)  
OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 25, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #10-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 117-2 (SCHEDULE OF FEES FOR RECREATIONAL  
PROGRAMS) OF CHAPTER 117 (RECREATIONAL FACILITIES)  
OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 117-2 (Schedule of Fees for Recreational Programs) of Chapter 117 (Recreational Facilities) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

A. Summer Camp and Sports Camp.

- (1) Summer Camp, per child: two hundred dollars (\$200.00); Summer Camp activity fee: ~~twenty-dollars-(\$20.00)~~ twenty-five dollars (\$25.00) per session.
- (2) Middle School Sports Camp, per two-week program: ~~seventy-five-dollars-(\$75.00)~~ ninety dollars (\$90.00); Sports Camp activity fee: ~~seven-dollars-(\$7.00)~~ ten dollars (\$10.00) per session.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

Council President Lichter nominated Jo Ann Denton, as MTMUA Commissioner. The motion was seconded by Councilman Carpiano. Councilman Friedman nominated Robert Schipa, which was seconded by Councilman Broderick. Council then voted on the first nomination of Jo Ann Denton. Roll call was taken, which passed on a 3 - 0 vote in favor, with Councilman Broderick abstaining and Councilman Friedman absenting himself from the vote.

RESOLUTION # 8 -93

RESOLUTION APPOINTING JO ANN DENTON TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, Section 4-34D(3) and Sections 36-1 through 36-4 of the "Code of the Township of Marlboro" establish the Marlboro Township Municipal Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, N.J.S.A. 40:14B-4 provides that the members of a municipal authority shall be appointed by the governing body of the municipality; and

WHEREAS, Section 4-34D(3) of the Township Code further provides that members shall be appointed for terms of five (5) years commencing on February 1; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it shall appoint JO ANN DENTON to serve as a member of the Marlboro Township Municipal Utilities Authority in accordance with the above statutes and Code provisions; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That JO ANN DENTON is hereby appointed to serve as a member of the Marlboro Township Municipal Utilities Authority for a term of five (5) years to commence on February 1, 1993.
2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Jo Ann Denton
  - b. Marlboro Township Municipal Utilities Authority
  - c. Township Attorney

The following Resolutions were introduced by reference, offered by Council President Lichter, seconded by Council Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot: Res. #38-93 (Bond Reduction Galloping Run/Rigas) and Res. #39-93 (Bond Release Dr. Braunstein Site Plan).

RESOLUTION # 38-93

RESOLUTION AUTHORIZING BOND REDUCTION -  
GALLOPING RUN ESTATES/RIGAS BROS. CONSTRUCTION CO.

WHEREAS, Rigas Brothers Construction Company has requested the reduction of a Township held performance bond for development known as Galloping Run Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated January 21, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for a development known as Galloping Run Estates, in the current amount of \$109,237.00 shall be reduced by \$61,027.00, so that the amount to remain shall be \$48,210.00.
2. That a certified copy of this Resolution shall be provided to each of the following:

\*Copies of attached material to be found in regular minute book in Clerk's office.

- a. Galloping Run Estates/Rigas Brothers Construction Co.
- b. Township Engineer
- c. Township Attorney

RESOLUTION # 39-93

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - BRAUNSTEIN

WHEREAS, Edward and Bonnie Braunstein have requested the release of a Township held performance bond in connection with a site plan for property located at Block 176, Lot 31, in the Township of Marlboro; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated February 3, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond in connection with a site plan for property located at Block 176, Lot 31, in the present amount of \$46,052.00 shall be reduced to zero and released.
2. That the cash bond posted in connection with a site plan for property located at Block 176, Lot 31, in the present amount of \$4,187.00 shall be reduced to zero and released.
3. That this release is subject to the following:
  - a. The posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$6,280.00 by the applicants with the Township at the time of final release.
  - b. The receipt of an as-built drawing for the site at time of final release.
  - c. The resolution of the dispute regarding a "No Left Turn" sign, which must be installed by the applicants on the subject property (see letter of Kevin Kennedy, Esq., dated January 11, 1993, which is attached hereto and made a part hereof).

\*Copies of attached material to be found in regular minute book in Clerk's office.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Edward and Bonnie Braunstein
- b. Township Engineer
- c. Township Attorney

The following Resolution #40-93 (Transfer - \$16,300) was introduced by reference, offered by Councilman Carpiano, and passed on a roll call vote of 4 - 0 in favor. Absent: Friedman.

RESOLUTION # 40-93

WHEREAS, certain appropriations in the 1992 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A4-59 allows transfers to be made between line item appropriations during the first three months of any fiscal year for the immediately preceding fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be made:

Group Insurance	\$16,300.00
Police O/E	12,000.00
Recycling O/E	2,000.00
Library O/E	300.00
Telephone	<u>2,000.00</u>
	\$16,300.00

The following Resolution #41-93 (Establishing Municipal Supervision over Trinity Episcopal Church) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 41-93

RESOLUTION ESTABLISHING MUNICIPAL SUPERVISION  
OVER TRINITY EPISCOPAL CHURCH

WHEREAS, the Trinity Episcopal Church is currently located on lands situate in both the Township of Marlboro and the Borough of Matawan; and

WHEREAS, the principle buildings and part of the residential structure are located within the Borough of Matawan; and

WHEREAS, for many years the representatives of Trinity Episcopal Church have expressed the desire for a resolution of this matter, either by a realignment of the boundary line between Marlboro Township and Matawan Borough, or otherwise, so that the entire property would be considered as located exclusively within the Borough of Matawan; and

WHEREAS, N.J.S.A. 40A: 13-19 provides that where "the boundary line between adjoining municipalities divides lands and buildings" so that a portion of the lands and buildings are located in each municipality, the municipalities in which the lands and buildings are situated may determine, by Resolution passed by their respective governing bodies, which municipality shall have sole supervision of the lands and buildings; and

WHEREAS, N.J.S.A. 40A:13-20 provides that "the municipality assuming sole supervision of any lands or buildings mentioned... shall furnish them with the same services as are furnished to lands and buildings located wholly within its boundaries, and shall have sole power to issue all licenses and permits required for such lands or buildings; and

WHEREAS, the Marlboro Township Council has considered the request made by Trinity Episcopal Church and is supportive of same; and

WHEREAS, the Township Council believes that the statutes cited above provide a more feasible manner in which to accomplish this result rather than proceeding through a formal "annexation" process.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That it consents to the request of the Trinity Episcopal Church that its entire property shall fall under the sole supervision of the Borough of Matawan, notwithstanding the actual location of the boundary line between Matawan and Marlboro.

2. That this consent is conditioned upon the consent of the Matawan Borough Council by Resolution, in accordance with N.J.S.A. 40A:13-19.

3. That a certified copy of this Resolution be provided to each of the following:

- a. Reverend Susan N. Blue  
Trinity Episcopal Church  
Ryers Lane at West Court  
Matawan, New Jersey 07747
- b. Frederick J. Kalma, Esq.  
84 Main Street  
P.O. Box 406, Matawan, New Jersey 07747-0406

- c. Marlboro Township Tax Assessor
- d. Marlboro Township Tax Collector
- e. Township Engineer
- f. Township Attorney

The following Resolution #42-93 (N.J.D.O.P. Grant Establishing Employee Manual) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 42-93

WHEREAS, the Governing Body of the Township of Marlboro, County of Monmouth, State of New Jersey, has placed a high priority on establishing an Employee Handbook; and

WHEREAS, the New Jersey Department of Personnel has available Consultant services to assist municipalities in the above referenced project; and

WHEREAS, the Township of Marlboro need these services and would be able to provide a Project Director that will work hour for hour with the New Jersey Department of Personnel Consultant and such other resources as may be necessary to the successful completion of this project, requiring no cash outlay for this project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Mayor be authorized to submit an application on behalf of the Township of Marlboro requesting assistance with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor be authorized, upon approval of the grant, to designate the Business Administrator to execute the necessary contract and be appointed as Project Director.

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

- a. Robert Albertson, Business Administrator
- b. New Jersey Department of Personnel
- c. Township Attorney

The following Resolution #43-93 (Opposing Senate Bill 591 - Advertising Costs) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 43-93

RESOLUTION URGING NEW JERSEY STATE SENATE  
TO OPPOSE PASSAGE OF S-591 - A BILL INCREASING  
RATES FOR OFFICIAL ADVERTISING IN NEWSPAPERS

WHEREAS, A-1195 and S-591 are bills that provide for an increase in the rates for publishing official advertising in newspapers; and

WHEREAS, A-1195 passed the General Assembly on November 30, 1992, by a vote of 51-13; and

WHEREAS, S-591 was amended and released by the Senate State Government Committee by a vote of 4-2 on February 1, 1993, and is poised for a vote on the Senate Floor at any time during the second session of the 205th Legislature; and

WHEREAS, S-591 would increase the "per line" cost of all official advertisements by ten percent (10%) in 1993, an additional ten percent (10%) in 1994 and an additional ten (10%) in 1995 and thereafter the costs will be annually increased at the same rate as the Consumer Price Index on the municipal "cap," whichever is less; and

WHEREAS, A-1195 and S-591 are repugnant to the interest of taxpayers greatly stressed by the recession economy and the ever present threat of further taxation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. It hereby requests that the New Jersey Senate and New Jersey General Assembly reject the passage of S-591 and A-1195.
2. That a certified copy of this Resolution be provided to each of the following:
  - a. Honorable Donald T. DiFrancesco, Senate President
  - b. Honorable Garabed "Chuck" Haytaian, Assembly Speaker
  - c. Honorable Robert Littell, State Senator
  - d. Honorable Richard Kamin, State Assembly
  - e. Honorable John O. Bennett, III, State Senator
  - f. Honorable Michael Arnone, State Assemblyman
  - g. Honorable Clare M. Farragher, State Assemblywoman

The following Resolution #44-93 (Agreement for Employee Assistance Service) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 44-93

RESOLUTION AUTHORIZING SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE EMPLOYEE ADVISORY SERVICE (EAS) OF THE STATE OF NEW JERSEY

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

1. Hereby authorizes the Mayor to execute and the Township Clerk to attest the attached service agreement between the Township of Marlboro and the Employee Advisory Service (EAS) of the State of New Jersey.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

- a. Township Attorney.
- b. Employee Advisory Service (EAS)
- c. Township Treasurer

The following Resolution #45-93 (Award of Bid: Morganville First Aid Ambulance) was introduced by reference, offered by Council Vice President Gurtman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 45-93

BE IT RESOLVED THAT:

1. PAUL D. VICKERY, INC. be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Ambulance - Morganville First Aid Squad

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Paul D. Vickery, Inc.  
233 Broad Street  
Summit, New Jersey

on their low bid of: \$90,600.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #46-93 (Supporting Israel-American Conference) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 46-93

RESOLUTION SUPPORTING 1993 ISRAEL/AMERICAN  
CONFERENCE, EXPOSITION AND FAIR

WHEREAS, preparations are currently underway for the 1993 Israel/American Conference, Exposition and Fair, which will be held on May 16, 1993, at Marlboro High School, Marlboro, New Jersey; and

WHEREAS, the event is being sponsored by the Marlboro Jewish Center and Co-Sponsored by the Governors New Jersey-Israel Commission and the Western Monmouth Chamber of Commerce; and

WHEREAS, the aims of the conference are:

- a. To honor Israel as a democracy in the middle east.
- b. To inform the American public of Israel's accomplishments in the areas of economic growth and cultural development.
- c. To disseminate information, advice and guidance relative to opportunities in Israel for personal involvement.
- d. To actively promote tourism to Israel as a means of identifying with the people of Israel; and

WHEREAS, the event will offer workshops covering all aspects of Israeli culture and civilization and how it affects both the middle east and the United States; and

WHEREAS, over 100 organizations throughout the State have already donated their services for the conference; and

WHEREAS, the conference will offer programs and speakers from many vocations, including the religious, business, legal, historical and educational communities; and

WHEREAS, many veterans' organizations will also take part in the event; and

WHEREAS, several prominent Israeli officials have already agreed to attend the conference which is being advertised in Israel; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro wish to actively support the conference and each of the aims of the conference.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that they hereby express their strong support for the 1993 Israel/American Conference, Exposition and Fair; and

BE IT FURTHER RESOLVED that the Mayor and Township Council of the Township of Marlboro urge all Marlboro residents to participate and support the 1993 Israel/American Conference, Exposition and Fair; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Mr. Ben Weiner, Founder of the Conference, 230B Medford Court, Manalapan, New Jersey 07726, and to Mr. Martin Siskel, Chairman of the Conference.

The following Resolution #47-93 (Reiterating Opposition to Closing of Marlboro Psychiatric Hospital) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #47-93

RESOLUTION REITERATING OPPOSITION TO  
CLOSING OF MARLBORO PSYCHIATRIC HOSPITAL

WHEREAS, on May 21, 1992, the Township Council of the Township of Marlboro adopted Resolution 187-92 opposing the closure of the Marlboro Psychiatric Hospital, a copy of which Resolution is attached; and

WHEREAS, the Township Council wishes to take this occasion to reiterate its opposition to the closing of the Marlboro Psychiatric Hospital, as such a plan may further develop during this period of review by the State of New Jersey:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey as follows:

1. It hereby reiterates its opposition to the closing of the Marlboro Psychiatric Hospital.

2. A certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

- a. Senator John O. Bennett, III
- b. Assembly persons Michael Arnone and Clare Farragher
- c. Honorable Jim Florio

- d. Michael Ross, Chief Administrative Officer,  
Marlboro Psychiatric Hospital
- e. Commissioner of Community Affairs

RESOLUTION #187-92

WHEREAS, there is presently pending within the Department of Health a proposal to close either the Marlboro Psychiatric Hospital or the Greystone Psychiatric Hospital; and

WHEREAS, Marlboro Psychiatric Hospital has been located within the Township of Marlboro since its inception in 1922; and

WHEREAS, the Marlboro Psychiatric Hospital has provided a service for, not only the clients of Monmouth County, but for the central region; and

WHEREAS, the number of employees employed at the facility is approximately 1,500 persons, many of whom live in Marlboro Township or in the immediate vicinity, and would experience a hardship to commute to a facility in a separate section of the state; and

WHEREAS, the closure of the Hospital could result in additional clients of the Department of Human Services being placed in the community without substantial support systems and/or appropriate care to be provided to the clients.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Marlboro does hereby oppose the closure of the Marlboro Psychiatric Hospital; and

BE IT FURTHER RESOLVED that a duly authenticated copy of this Resolution, certified to be a true copy, shall be served upon the following individuals:

1. Senator John O. Bennett, III.
2. Assembly persons Michael Arnone and Clare Farragher.
3. Michael Ross, Chief Administrator, Marlboro Psychiatric Hospital
4. Allan Gibbs, Commissioner, Department of Human Affairs.
5. Governor Florio

The following Resolutions were introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot: Res. #48-93 (Tax Refund MTMUA - Block 305, Lots 183 and 184), Res. #49-93 (Redemption Tax Sale Certificates - Various), Res. #50-93 (Disabled Person Ded. B. 122, L. 25 and Senior Cit. Ded. B. 214, L. 10), Res. #51-93 (Veteran Ded. and Widow of Vet. Ded. - Various),

Res. #52-93 (Mon. County Bd. of Taxation Judgments - \$7,498.88) and Res. #53-93 (Overpayments of 1992 Taxes - Various). Councilman Carpiano asked Business Administration Bob Albertson to check with the Tax Collector as to whether overpayments can be held by the township and applied to the next tax bill. Mr. Albertson will inform Council if this cannot be done.

RESOLUTION # 48-93

WHEREAS, TTL 92-164 which was placed on Block 305 Lots 183 and 184, assessed to Atlantic Coast Dev. Prop. V.I.P, for delinquent water charges has been redeemed in the amount of \$152.74,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$152.74, which includes both delinquent and current water charges, to the M.T.M.U.A.

RESOLUTION # 49-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$9,139.79 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$9,139.79 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK	LOT	LIEN HOLDER	AMOUNT
92-148	331	1	Thomas or Frances Brennan	411.41
92-121	288	29 C0507	Central Jersey Landscaping, Pension Trust Account	3,462.74
92-119	288	29 C0504	Mountain Ridge Development Corp.	2,842.64
(1992 taxes and interest paid by lien holder of 92-119)				<u>2,423.00</u>
				\$9,139.79

RESOLUTION # 50-93

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been granted for the year 1993 on Block 122 Lot 25 assessed to Theodore Adamca and a Senior Citizen deduction in the amount of \$250.00 has been granted for the year 1993 on Block 214 Lot 10 assessed to Alice Nemeth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions which total \$500.00 to the respective taxpayers.

RESOLUTION # 51-93

WHEREAS, Veteran deductions and Widow of a Veteran deductions totaling \$350.00 have been granted as per the attached Schedule "A" for the year 1993,

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

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	TYPE	AMOUNT
176	61	Doris Baron	W	\$ 50.00
214	10	Alice Nemeth	W	50.00
371	45	Marion Weitz	W	50.00
371	103	Lorraine Baldinger	W	50.00
380	38	Mildred Wald	W	50.00
288	29 CO201	Alexander Augello	V	50.00
377	25	Aaron Rockoff	V	50.00

TOTAL-----\$350.00

RESOLUTION # 52-93

WHEREAS, the Monmouth County Board of Taxation has granted judgments totaling \$7,498.88 for the Prior Year Added portion of the 1992 Added Assessment as per Schedule "A"

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Tax Collector be and is hereby directed to apply the amount of \$700.52 towards the unpaid balance of the delinquent taxpayers and to refund the amount of \$6,798.36 to the respective taxpayers who have paid their taxes in full as per the attached Schedule "A".

SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	JUDGMENT	REFUND	APPLY
157/39.03	Nunziato, Joseph	345.28	345.28	
176/67.16	Merlo, Philip & Donna Colorafi	365.46	365.46	
176.01/ 69.01	Ko, Ju-Chieh & Chain-Jin Shieh	414.42	414.42	

192/28	Puchalsky, Jeffrey & Renee	28.56	28.56	
214/3.11	Stenger, William H. & Kathy A.	357.94	357.94	
214/3.17	Khambhamapati, S. & Mallika	369.17	369.17	
214/3.20	Haney, Kevin M. & Natalia	694.14	694.14	
252/16	Ladman, Martin & Robin	29.47	29.47	
268.01/6	Vidolin, Michael & Faith	448.72	448.72	
268.01/10	Langner, David & Elyse	278.26		278.26
268.01/11	Khunachak, Winai & Alisa	265.40	265.40	
268.01/14	Messinger, Kenneth S. & Terri	257.95	257.95	
268.02/1	Cacciola, Steven P. & Lav	341.15	341.15	
268.02/7	DiMarco, Anthony J. & Susan L.	284.00	284.00	
268.02/8	Bilenker, Barbara	494.46	494.46	
268.02/10	Garrett, Paula	540.89	540.89	
296/6	Block, Kenneth & Jane	12.86	12.86	
312/63	Perlowitz, Marc H. & Cynthia S.	35.79	35.79	
312/99	Barbato, Carmen M. & Christina	17.89	17.89	
339/7	Sobel, Charles S. & Linda A.	31.24	31.24	
371/189	Braunstein, Sara	169.87		169.87
371/213	Rothkopf, Alvin & Sarah	187.76	187.76	
371/221	Karyczak, Joseph & Esperanza	163.17	163.17	
371/226	Cotenoff, Irving & Ellen	375.45	123.06	252.39

377/27	Klein, Howard & Elaine	123.50	123.50
377/29	Scher, Leon & Bernie	198.30	198.30
377/30	Dempsey, Donald W.	245.63	245.63
401/15	Avin, Howard & Rosalie	22.49	22.49
413/23.19	Boydman, Craig & Lisa	399.66	399.66
TOTALS-----		\$7,498.88	\$6,798.36      \$700.52

RESOLUTION # 53-93

WHEREAS, the attached list in the amount of \$97,144.72, known as Schedule "A", is comprised of amounts representing overpayments of 1992 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Tax Collector be and is hereby directed to refund the amount of \$97,144.72 to the taxpayers as listed in Schedule "A".

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
102	1 QFARM	Fariello, Eugene & Frank	133.11
108	2.01	Kee, Joann	40.76
115	3	Natarmuzi, Richard & Deborah	72.35
119	10	Terzulli, Paul & Carol	5.09
119	17 QFARM	Geran, Thomas & Dorothy	52.89
119	18 QFARM	Geran, Thomas & Dorothy	8.58
119	19 QFARM	Geran, Thomas & Dorothy	2.85
119	27	Petrizzo, Raynond & Deborah	9.88
120	26 QFARM	Geran, Thomas W. ET AL	55.76
120	27 QFARM	Geran, Thomas & Dorothy	91.40
120	31 QFARM	Geran, Thomas & Dorothy	67.38
122	32	Central Jersey Bank & Trust Co.	5,576.08
132	28 QFARM	Jaccard, Richard & Mildred	3.46
132	29 QFARM	Jaccard, Richard & Mildred	5.87
132	31 QFARM	Jaccard, Richard & Mildred	19.63
132	32 QFARM	Duh, Irene	34.05
132	34 QFARM	Nicolosi, Genevieve	39.72
132	37 QFARM	Nicolosi, Frances & ETAL	52.87
132	44	Zacharias, Laszlo ir	347.39
133	13	Rims Corporation	5.56
133	14	Miklewicz, Joseph M.	62.16
134	8	Wasylyk, Barbara	8.45
139	18	Azarchi, Steven & Beverly	1,829.41
142.01	8	Liberatore, Louis & Lenore	2,891.10
143	20 C0003	Diraje Corp.	39.92
147	12 QFARM	Festa, Eugene & Joan	38.78

147	31.01 QFARM	Lanzaro, Eugene & Ann	8.76
148	10 QFARM	Mc Cormick, Aletha M.	64.02
148	13 QFARM	La Mura, Eugene & Maria	40.98
153	38 QFARM	Srs. of the Good Shepherd of N.J.	758.67
153	47 QFARM	Srs. of the Good Shepherd of N.J.	232.18
153	86	Schwartz, Saul & Arlene	55.04
153	86 QFARM	Schwartz, Saul & Arlene	71.58
153	124	Blonder, Isaac & Lois	13.27
154	11	Antosiewicz, Thomas	319.90
154	17 QFARM	Antisell, T. A.	380.88
155	13 QFARM	Mc Carron, Daniel	238.86
155	18 QFARM	Stoler, Francine	21.81
156	3 QFARM	F. & F. Nurseries Inc.	90.11
157	3 QFARM	Cruz, Evaristo ir.	154.66
157	14 QFARM	Scrobogna, Aristo & Matilda	54.75
157	18 QFARM	Scrobogna, Aristo & Matilda	21.44
157	21 QFARM	Scrobogna, Aristo & Matilda	388.07
157	27 QFARM	Manzo, Joseph & Alan Hirsch	8.55
160	17	Sokoloff, Michael & Anne	38.08
168	4 QFARM	Croddick, John & Virginia	1.82
169	5	N.J. Natl. Gas Co. Attn. P.A. Larsen	5.95
169	6 QFARM	Alafouzos, Stavros & Carol	8.72
169	7 QFARM	Alafouzos, Stavros & Carol	14.81
169	10	Schilke, Pirkko	207.93
169	14	Koch, Gary	609.16
170	9	Genova, M. Leonard & Aletta Denison	443.75
171	2	Datzkiwsky, Cornell	587.24
171	9	Manzo, Dominick & Carmella	64.86
171	51 QFARM	Yost, William & Linda	71.68
171	52	Smith, James & Catherine	106.60
171	52 QFARM	Smith, James & Catherine	95.94
171	65	Murphy, Dennis & Maria	6.75
171	80 QFARM	Wirth, Patricia	8.94
172	6 QFARM	D Urso, Giuseppe, & Ada	52.01
172	50	Flynn, Leonard & Virginia	378.75
172	54 QFARM	Kobis, Edward & Carolyn	1.85
172	56 QFARM	Kobis, Edward & Carolyn	14.27
172	58 QFAFM	Toth, Bernard & Bertha	60.46
173	7 C0118	Bassin, Arthur & Stacey	620.85
176	11	Scott, Samuel & Eileen	328.57
176	99	Kemp, Francis & Susan	949.99
178	2 C0385	Pereira, Anthony A.	423.44
178	2 C0387	Solomon, Armin & Flavia	67.36
178	2 C0513	Santos, Fernando & Estela	92.07
180	4 QFARM	Maurer, Mark & Joann	15.73
180	32	Minerva, Daniel & Mundy	530.71
180	38	Weiss, Susan	2,846.34
180	42	Spinelli, Salvatore & Pauline	1,129.45
180	45	Luwisch, Cheryl	2,726.13
184	6	Kantor, Shirley	68.41
188	8	Toll, Sharon	1,476.87
189	15	Vuzzo, Joseph & Dorothy	376.48
193	1	Tehrani, Nejat & Hedy	644.37
193	51 QFAFM	Kovacs, Oliver	279.93

197	18	Castellucci, Joseph & Veronica	1,050.78
201	6	Cortes, Francisco & Maria Cruz	4.81
205	13	Oran, Scott & Sandra	1,404.65
206	35	Hall, Laurence & Donna	55.95
207	3	Triple C Farms	1,460.39
207	5	QFARM Cipo, John & Judy	58.01
208	1	Rebarick, William & Betty	80.74
213	21	Bailey, George & Janet M. Tenzer	133.50
214	42	YMCA of Shrewby Riv. Area	1,421.22
214	54	QFARM Stevenson, Linford & Elizabeth	8.67
214	60	Gordons Corner Water Company	59.90
215	3	Polgar, R.I. & P.E. & Streiter, E.R. & F.M.	246.25
222	17	Holtz, Edna H.	11.78
223	1	Robbiani, Michael & Kathleen	636.91
224	21	Condon, Richard & Lila	8.21
225	35	Rege, Kiran & Dipti	359.92
225	62	Kinker, Gerald & Anita	226.52
225	89	Wohigemuth, Ezra & Iris	1,592.70
228	10	Levine, Alan & Jacqueline	235.40
237	5	Gordons Corner Water Co	199.98
238	7	Gordons Corner Water Co	218.93
240	9	Preman, Ronald E.	30.37
241	9	Lasner, Hyman & Patricia	881.26
244	6	Chin, John & Lelia	282.74
244	7	Block, Ted & Andrea	1,147.10
251	27	Jones, Celestine & Maria Tafoni	1,321.53
253	2	McCarthy, Donald & Renee	45.15
255	42	Cantos, David & Helaine	1,015.08
256	5	Lin, Chu Chung & Jenny	1,143.76
257	6	Goldsmith, Howard & Sharon	40.96
260	21	Mercurio, John P. Jr. & Debra	59.01
263	12	Burt, Bradley & Sara	965.12
263	20	Katz, Jack & Carol	296.56
266	4	Bendetson, Robert & Randi	10.07
266	13	Worrad, Thomas & Karen	145.97
267	23	Hiliuk, Frank & Anna	153.88
267	39	QFARM Masters, Wayne Bart & Linda	21.43
267	40	QFARM Masters, Wayne Bart & Linda	10.62
267	45	Hasni, Sultanali Noorjahan	464.94
268	61	Marlboro Plaza Associates	470.80
268	69	Omelanski, Frank & Anna	182.69
268.01	8	Fong, Eddie & Jennifer Eng-Fung	1,299.59
268.02	1	Cacciola, Steven & Dawn Lavender	4,741.20
269	2	Jamison & Sons Bus Go Inc	240.46
270	28	Sack, Paula	293.16
270	58	Richter, Michael & Sandra Lee	1,026.73
271	8	Marin, Jack & Eernice	258.55
275	19	Riccobono, Sam & Marie	10.00
275	28	Welsh, J.J., Trustee, R.L.T.	3.13
279	15	Demaio, Joseph & Risa	988.98
281	12	Freilich, Lewis & Annette	62.65
282	1	Anagnos, David & Gretchen Rosa	28.41
284	9	Alkon, Michael & Penny	936.23
286	6	Alson, Harry & Arlene	747.18

287	28		Glynn, Richard John & Charlotte Lyn	585.14
288	29	C0101	Costa, Frank & Helen	550.60
288	29	C0223	Oxman, Lawrence & Marilyn	66.72
288	29	C0321	Freedman, Arnold & Renee	157.52
288	29	C0324	Levinson, Norman & Bernice	72.14
288	29	C0415	Feintuch, Genevieve	66.72
289	32		Wallace, Ewald & Rita	50.00
299	22		Fabrizio, Paul & Diane	39.66
299	32		Menendez, George & Alane	1,149.87
299	79		Karides, George & Georgia	90.36
299	115	QFARM	Wikoff, Charles	14.11
299	150		Fiorentino, Bernard & Louise	165.84
299	178	QFARM	Suydam, Charles & Jean	4.07
299	181	QFARM	Humbert, John & Loni	18.20
305	13	QFARM	Wikoff, Charles	41.67
305	18	QFARM	Evergreen Land Developers, Inc.	37.83
305	80		Doherty, Brian & Victoria	1,659.78
305	104		Levy, David & Stacey	636.49
309	4		Nawy, Joseph & Susan	569.26
310	4		Dubrown, Neil & Barbara	2,315.30
312	113		Kershner, Mitchell & Miriam	1,233.46
312	188		Marcus, Jeffrey & Jill	238.82
313	39		Shehabeldin, Fathy & Atiat	147.31
315	13		Kerr, Neil & Margaret	1,015.22
319	6		Zierler, Louise	910.53
323	1		D'Amato, John	1,162.07
324	6		Doherty, John & Prudence	62.31
326	24		Seiman, Hanna	1,583.06
327	46		Cantor, Arthur & Jacqueline	102.82
331	46		Gandhi, Khem & Geeta	915.10
331	53		Yoss, Alan & Kay	362.88
332	5		Kamen, Robert & Penny	444.16
332	9		Traktman, R. & A. Metro. H. & P.	455.32
334	21		Rosenberg, Leonard & Diana	5.32
342	40		Kapilow, Kenneth & Arlene	152.02
343	1		Slomack, Neil & Linda	1,015.90
351	19		Gordons Corner Water Co	418.87
355	8		Holland, Harvey Jr & Consula	309.13
360	10		Marlboro Industrial Park	1,663.76
362	1	QFARM	Holland Farms, A Prtn.	9.45
362	20	QFARM	Holland Farms, A Prtn.	55.92
362	21	FARM	Holland Farms, A Prtn.	61.45
363	19.03	QFARM	Gawley, John & Mabel	10.54
364	1	QFARM	Lembo, Menotti	149.78
364	2	QFARM	Lewicki, Irene	21.14
364	14	QFARM	Manzo, Joseph	30.38
364	26	QFARM	Papernik, John & Beverly	12.67
364	65	QFARM	Manzo, Joseph	73.06
364	66	QFARM	Manzo, Joseph	46.08
368	1		Leibel, Sol	54.52
369	10		Di Martino, Thomas & Carole	1,237.36
371	2		Carfagno, Joseph & Kathleen	882.12
371	110		Rachman, Anita	100.84
371	166		Curatola, Vincent & Mildred	119.13

371	169	Abramson, Helen & Alvin & L Sporn	56.90
371	248	Wolfson, Joseph & Eddna	172.75
371	271	Sales, Leon & Rita	95.66
371	272	Farkas, Abe & Rita	58.07
371	273	Zelios, Demetrius & Helen	16.93
372	18	Dancer, Donaid & Renee	1,335.94
373	27	Spett, Kenneth & Lori	1,400.00
375	15	Lieberman, Albert & Beie	9.07
378	2	D Angelo, Salvatore & Rose	98.98
378	34	Klein, Tillie	43.66
379	23	Freedman, Arthur & Lila	116.35
380	36	Bergh, Gerald & Georjina	259.45
381	7	Carollo, Joseph & Marjorie	212.80
381	29	Weisz, Tina	55.66
381	40	Greenbriar No Homeowners Assoc	53.02
381	41	Croce, Maria	171.90
382	2	Lampert, Kenneth & Gilda	51.48
384	8	Barry, Bernard & Ruth	3.37
384	15	Stoffer, Morris & Irene	47.18
386	29	Besignano, Elizabeth	83.26
387	20	Fischer, Shiriey	341.10
388	20	Lustig, Rachel & Marsha Gross	93.30
388	61	Greenbriar No Homeowners Assoc	56.13
391	10	Romano, Sol & Marcia	162.93
394	2.10	Diamond, Scott & Ilisa	1,677.75
394	11	Hoffman, Stanley & Tina	1,399.09
396	1 C0093	Pascual, Conrado III & Angelica	138.08
396	1 C0101	Monaco, Scott & Randi	176.86
396	1 C0146	Davis, Alan & Joni	69.04
396	1 C0193	Sermoiins, Maris & Ilze	61.22
396	1 C0252	Rozov, Moshe & Amit	553.69
397	3	Mirza, Saiyed & Nuzhat	70.38
398	21	Riehi, Louis & Louise	392.83
400	21	Redzinski, Richard & Linda	13.57
405	19	Bloom, Allen & Ellen	1,388.85
408	41	Tasch, Brian & Debra	1,395.84
411	23	Greenberg, William & Francine	199.00
412	137	Xu, Juan & Ru Fei	421.42
412	161	Baccala, Raymond & Diane	334.47
413	7	Wanger, Kenneth	19.32
413	24 QFARM	Kaplan, Morris & Michael	79.76
416	2	Petriw, Steven & Diane	662.90
416	3 QFARM	Manzo, Dominick & Carmella	25.50
417	5 QFARM	Manzo, Dominick & Carmella	45.98
417	6	Arcaro, Robert & Spreen, S.M.W.	67.15
419	10 QFARM	Carratello, Domenick & Judith	56.32
421.01	6	French, David & Phyllis	219.02
422	7	Boccio, Ronald & Denise	52.64
422	8	Spano, Joseph & Claire	689.68
999	2.1	Western Union Telegraph Company	6.07
999	2.2	Western Union Telegraph Company	3.79

TOTAL-----97,144.72

The following Resolution #54-93 (Raffle License Molly Pitcher Stitchers Quilt Guild) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #54-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # 4-93 be and it is hereby granted to Molly Pitcher Stitchers Quilt Guild.

BE IT FURTHER RESOLVED that said Raffle will be held on October 17, 1993 at 5 PM at Marlboro Middle School, Route 520, Marlboro, New Jersey 07746.

Council Speaks Out (continued) - Councilman Carpiano commended Mayor Scannapieco on his State of the Town letter, especially the pie chart. He asked the Mayor about the proposed golf course, who confirmed that it will generate revenue for the town. Councilman Carpiano asked about the contribution to the Little League by a developer. Mayor Scannapieco stated that the developer asked what the needs of the town are with regard to recreation, and the Little League's need for additional fields was indicated to the developer. Council President Lichter asked about the two-acre recreational site with a lake and dock. Mayor Scannapieco explained that this came about as a result of the project on Route 520 and 9. Instead of the developer restoring the full 9 acres on that property (about two-thirds will be restored), the developer will enhance municipal property by constructing a lake, dock, a soccer field with sprinklers, three full basketball courts, a Japanese garden, a tot lot, and a parking facility for 75 cars, at no cost to the taxpayer. Council Vice President Gurtman asked the Mayor if the developer was going ahead with the movie theater concept, and the Mayor responded that the developer had indicated to him that the movie theater concept is extremely tenuous at this point because of other movie theaters being constructed on Route 9. However, the Mayor thought that the developer is still considering the bowling alley concept, as far as he knew. Council Vice President Gurtman asked if any pricing had been done on a security system for the Union Hill Park and Ride Lot. Mayor Scannapieco stated that he had asked Captain Stover and Chief Walker about this, and they responded that it would require many cameras and would be quite expensive, as a cable would have to run from the facility back to Police Headquarters. The Chief will look into this further to ascertain whether there might be another system available that would be less costly. Council Vice President Gurtman asked that the possibility of having a security person at the lot between the hours of 5 PM and 7 PM, be looked into, if the surveillance system could not be implemented. Councilman Broderick suggested that increasing the lighting at the lot might help the situation, and that JCP & L could do a study and make recommendations for a small fee.

Administrative Report - Mayor Scannapieco reported that the detention facility at the Police Dept. was reviewed by the County and is in full compliance. He commended Chief Walker. The Mayor gave Council a status report on the budget. He had been informed yesterday that the State will be funding the \$890,000 of Supplemental Municipal Relief, and several other grants had been received. He was hoping to have the budget finalized by the end of next week, and get it to Council shortly thereafter. He stated that the requests from departments and increased costs in other areas have put the budget over the allowed cap, and the administration will be working diligently to make cuts to bring the budget down to the 5% cap. He voiced his concerns that the demand for services is increasing as the town grows, yet the limitation that is placed upon the township by the cap does not afford the town the ability to increase such services. He was hopeful that the same level of services can be provided in 1993 that the township has become accustomed to.

Public Session - Helen Mackenzie - Vice President of the Morganville Senior Citizens group - stated that the Recreation Dept. sends out a pamphlet informing senior citizens of activities and trips, and gives the dates when registration for these programs will take place. She called the Recreation Dept. before the date of registration for a trip and was told she would have to wait until the assigned date. When she called on the assigned date, she was told that the trip was sold out. She asked the Business Administrator to check into this, and to please let her know the outcome.

At 9:55 PM, Councilman Broderick moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *March 25, 1993*

OFFERED BY: *Lichter*  
 SECONDED BY: *Carpiano*

AYES: 4

NAYS: 0

*Absent: Guttman*

*Alida De Gaeta*  
 ALIDA DE GAETA  
 DEPUTY MUNICIPAL CLERK

*Herbert Lichter*  
 HERBERT LICHTER  
 COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

March 11, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on March 11, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, and Council President Lichter. Council Vice President Gurtman arrived at 8:25 PM.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, and Deputy Clerk Alida De Gaeta.

The following Resolution #56-93 (Temporary Budget - Addition) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #56-93

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro; and

WHEREAS, Revised Statute 40A: 4-19 of the State of New Jersey provides that the Governing Body of any Municipality may make temporary appropriations to provide for any contract, commitments or payments to be made between the beginning of the Budget Year and the adoption of the Final Budget.

WHEREAS, the total amount of appropriations hereunder of \$47,000.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1992 exclusive of any appropriations made for debt service, or capital improvement fund;

NOW, THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1993 be adopted, and a certified copy of this Resolution be forwarded to the Township Finance Director for his records.

ADDED TO TEMPORARY BUDGET

<u>ADMINISTRATION O/E</u>	\$10,000.00
<u>FINANCE O/E</u>	2,000.00
<u>STREETS &amp; ROADS</u>	<u>35,000.00</u>
	\$47,000.00

The following Resolution #57-92 (Appointing James Newman as Presiding Magistrate) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #57-93

RESOLUTION AMENDING RESOLUTION NO. 402-92  
AND DESIGNATING JAMES M. NEWMAN AS PRESIDING  
MAGISTRATE OF THE MARLBORO TOWNSHIP MUNICIPAL COURT

WHEREAS, on December 10, 1992, the Marlboro Township Council passed Resolution No. 402-92, which appointed the Honorable James M. Newman to serve as a Municipal Judge in the Township of Marlboro for a three (3) year term to commence on January 1, 1993; and

WHEREAS, subsequent thereto, on February 25, 1993, the Township Council adopted Ordinance No. 4-93, which amended Section 4-34 of the Township Code to provide that one (1) of the two (2) Municipal Judges of the Municipal Court shall be designated as "Presiding Magistrate"; and

WHEREAS, pursuant to this recent ordinance amendment the Council wishes to designate the Honorable James M. Newman as "Presiding Magistrate" of the Marlboro Township Municipal Court.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Honorable James M. Newman be designated "Presiding Magistrate" for his three (3) year term as Municipal Judge in the Township of Marlboro.
2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Honorable James M. Newman  
64 West Main Street  
Freehold, New Jersey 07728
- b. Township Attorney

Item 3 (Traffic & Safety Items) was discussed by Council, with Lt. Schick in attendance to answer any questions.

Regarding Item (a) (Res./Ord - No Passing Zones - Wyncrest Rd., Topanemus Rd.), Lt. Schick informed Council that there is no place to legally pass on these roads, as no passing is allowed within 200 feet of an intersection. Lt. Schick felt that the no passing zones are warranted in these locations, and stated that they do meet DOT requirements. Former Council President Frank Abate, who was in the audience, was asked why the previous Council did not proceed with this ordinance. He responded that at that time Council felt that the road was wide enough for passing in certain areas. Also, it was the opinion of the previous Council that because this roadway meets DOT requirements for a no passing zone does not mean that the Council must go along with them. After discussion, Council asked that Lt. Schick furnish them with accident information on these roads. Council President Lichter asked if no passing zones can be designated in certain sections only, as opposed to the entire length of the road. Lt. Schick stated he would have DOT come in to do a survey to ascertain whether this could be done. Lt. Schick stated he will give Council a three-year accident history on these roads by Monday, and try to get more information on why the previous Council did not act. If this information is received by Council prior to the March 25 meeting, Council will proceed with a first reading of the ordinance at that time.

Item (b) (Res./Ord. - Speed Limit - Harbor Road) was moved to the March 25 agenda.

Regarding Item (c) (Res./Ord. - Restricted Parking - Millay Road), Lt. Schick informed Council that commuter parking has become a problem along Millay Road. He stated that the residents had been contacted by mail, and only one resident replied. Council moved this ordinance to the March 25 agenda. Council Vice President Gurtman asked Lt. Schick to look into the situation at Church Road, where it is difficult to see parked cars, to see what can be done.

Item (d) (Res./Ord. - Title 39 - The Mart Parking Lot) was moved to the March 25 agenda.

Item (e) (Res./Ord. - Closing of Street for Health, Safety & Welfare) was moved to the March 25 agenda.

Item (f) (Supporting Statutory Speed Limit for Suburban/Rural

Residential Districts) was moved to the March 25 agenda.

Regarding Item (g) (No Passing Zone - Ryan Road), Lt. Schick was asked to proceed with DOT to do the necessary work in order to get Ryan Road designated as a no passing zone. He stated that DOT may not give approval until all construction has been completed, and the road has been resurfaced. Also, a grant application had been submitted by the Township Engineer to widen Ryan Road, and no word had been received yet on this grant. This will come back to Council for action, when ready.

Mayor Scannapieco informed Council that the Planning Boards and Mayors of four or five towns are getting together and meeting regularly to talk about regional issues. He stated he would be happy to present at these meetings any issues that Council would like to bring forward.

Regarding Item 4 (Monmouth County Improvement Authority - Bonding), Ron Burgess, Esq., of O'Neill, West & Lang, spoke to Council regarding bonding. He had been asked by Terry O'Neill, the Township Auditor, to look at the current bonding situation and to advise the Council on the current bond market and what the conditions are with respect to the township issuing debt at this time. He stated that the township has outstanding a little over \$8,600,000 in bonds that are already financed, the remainder between that and approximately \$12 million of authorized debt is the amount that they are proposing that the township consider permanently financing at this time. That represents \$3,410,000 of general capital debt and \$200,000 of Swim Pool debt. The township could either finance through the Monmouth County Improvement Authority or it could consider competitive sale of its own bonds. He stated that the town has the opportunity to permanently finance the debt now at the lowest historical rate that may ever be seen. He also suggested that the bonding needs for this year be put in place in 45 to 60 days and that they also be included in the sale to take advantage of the favorable market. He stated that the township might also wish to consider converting from the variable rate debt that the township has with the Monmouth County Improvement Authority (approximately \$4.9 million) to a fixed rate. Mayor Scannapieco asked Mr. Burgess for an analysis on how this will impact the budget for the next three to five years, if the township chose to go that route. The Mayor suggested that the Mr. Burgess meet with Council President Lichter, Finance Director Ira Schopin, and Business Administrator Bob Albertson to get into some of the issues in depth, and come up with a recommendation. Business Administrator Bob Albertson was asked to furnish Council President Lichter with information on the deadlines for the Mon. County Improvement Authority. Mr. Burgess will send Mayor and Council a proposal within the next few days. It was also clarified that the fee would be incorporated within the bonds, so that it does not impact current expense. This matter

will come back to Council for a decision, after the informal meeting takes place.

Regarding Item 5 (WMUA Refinancing of Bonds), the following were present for the discussion: Chairman Fred Storz, Commissioner Frank Abate, Executive Director Russell Nerlick, Auditor Lou Gartz, Attorneys James Cleary and Linda Grosso, and Engineer Kevin Toolin. Mr. Abate informed Council that the Authority now has the opportunity to refinance their bonds to realize considerable savings. He gave Council a list of projects that must be done in 1993, and stated that these projects can be done without any increase in debt service, utilizing the savings from the refinancing of the present bonds. Also, the rates will not be affected. After discussion, Council moved a resolution to the March 25 agenda.

Regarding Item 6 (Swim Club - Lighting in Parking Lot & Masepe Trail & Authorization to Bid: Partitions), Director Arthur Lawrence was present for the discussion. Mr. Lawrence stated that the lighting situation at the Swim Club had been discussed by the Swim Division. He stated that when the tennis court lights go out, there is no other lighting at the site. As a result of a meeting between the Mayor, Swim Division Chairman Dori Marcus, and Mr. Lawrence, it was suggested that JCP & L be contacted to do a study. They are now waiting to hear the results of the study. Mr. Lawrence then discussed the partitions for the rest rooms and shower area. Council moved a resolution authorizing bidding for these partitions to the March 25 agenda, but asked Mr. Lawrence to check that the weight of the material does not pose a problem for small children.

Regarding Item 7 (Emergency Service Benefits Ordinance), Council President Lichter stated that he had spoken to members of the various Fire Companies and First Aid Squads to get any idea of how many members would be involved in the incentive program. He stated that there are not that many families with young children, and that many of the members would not utilize the waiving of building fees. In speaking with Recreation, the idea of a voucher system came up, amounting to a dollar value, which could be used any way they wish toward township fees. However, as the Swim Club is a separate entity, the Council could not waive this fee, but the Swim Division could be asked by Council to do so. An annual ID card would be issued, with a serial number, which would match the number on the voucher or script book. This amount would not be transferable, and cannot be carried over to the next year. After discussion, Council agreed that the amount of the voucher would be \$300, and depending on how the budget is impacted, Council could always raise this amount in the future. Township Attorney John Bennett stated that he had spoken to two municipal attorneys on this matter and that they are in the process of trying to establish similar programs in their towns. The Township Attorney was asked to draft the ordinance, and Council President Lichter will work with Business

Administrator Bob Albertson on the implementing of the program. This will come back to Council for First Reading, when ready. Council then discussed Item 16 (Mobile Home Amendment). Council reviewed the draft of the ordinance amending Chapter 91, as well as the ordinance creating Chapter 92, which deals with licensing and maintenance. Mr. Raffetto informed Council that he had spoken to Mr. Adornetto, Chairman of the Rent Control Board, and that he was satisfied that now all the recommendations of such board had been incorporated in the ordinances. Council had all their questions answered satisfactorily by Mr. Raffetto, and suggested a few minor changes. Council discussed whether the issuing authority should be the Construction Code Official or the Council. By poll vote of 3 - 2, Council decided the Construction Code Official should be the issuing authority. The Township Attorney was asked if Hamilton Park would be subject to the provisions of the new Chapter 92. He responded that they would be subject to the provisions dealing with licensing and maintenance, but not the provisions on rent control. Hamilton Park may be discussed by Council at a later date, as there were other issues that concerned them. Council moved these ordinances to the March 25 agenda for First Reading, and asked Mr. Bennett to contact the attorneys for the mobile home park owners.

Item 8 (Cablevision Renewal Contract/Res. - Cablevision) was then discussed. Councilman Friedman stated that he had received verification that the date the franchise agreement expires is 1998. Council wished to bring to the attention of Monmouth Cablevision their concerns, and moved a resolution to the March 25 agenda. The Township Attorney was asked to incorporate in this resolution their displeasure with their rate increase, as well as the \$1.50 per month charge for the Cableguide, and also asked that access to channel 47 be taken off the tocom converter so that all patrons can have access to it.

Item 9 (Approval of Contract - John O. Bennett, III, Esq.) was then discussed. Council asked that Mr. Bennett come up with a maximum dollar figure for contract negotiations. After discussion, it was Council's consensus that a resolution approving the contract be moved to the March 25 agenda.

Item 10 (Res./Ord. - Amend Land Use - Alternate Member Planning Board) was moved to the March 25 agenda.

Regarding Item 12 (Video/Arcade Ordinances), Zoning Officer Frances Kessler was present for the discussion. Council reviewed the licensing provisions and asked the Township Attorney to make some revisions. These ordinances were moved to the March 25 agenda for First Reading.

Regarding Item 13 (Res./Ord. - Amend Site Triangle Ordinance), Council moved this ordinance to the March 25 meeting for first reading.

Regarding Item 15 (Morganville Vol. Fire Co. Lease) - Fred Raffetto, Esq. informed Council that no action was necessary on this matter, as Council had previously adopted an ordinance which covers this lease.

Regarding Item 18 (Amend Chapter 36 - Utility Authorities) Council President Lichter asked Council to consider amending the ordinances for utility authorities to place a residency requirement on future appointments. This would not affect any present commissioners, as all are residents of the township. Also, Council President Lichter suggesting adding to the amendment that no township elected official be a commissioner of an authority. Mr. Raffetto was asked to research this matter, and Council will take action when ready.

Items 19 & 20 (Bond Reduction Bolling Brook - Sections 2 & 3 & Bond Release Denial Greenbriar North - Sections 7 & 8) were moved to the March 25 agenda.

Item 21 (Authorization to Bid: Call Taker Console), Item 22 (Authorizing Tax Assessor to Execute Documents) and Item 23 (Tax Collector Resolutions - 8) were moved to the March 25 agenda.

Item 24 (Correction and/or approval of Minutes: Feb. 11 & 25, 1993) was moved to the March 25 agenda.

Mayor Scannapieco discussed Item 11 (Res./Ord. - Amend Chapter 4 - Marl. Hillside Apts. Advisory Board) with Council. He informed them he came up with establishing the advisory board to minimize the impact to the township. He also felt this advisory board could try to control the maintenance of the project, and to come up with criteria as to who will be a resident. He stated that the ordinance will first be reviewed by Ginger Mulligan, to ascertain whether the State would be agreeable, and also Colts Neck should be informed. This will be brought back to Council, when it is ready for their action.

Regarding Item 14 (Res./Ord. Amend Cluster Provisions), Mayor Scannapieco asked Council to consider amending the land use clustering provisions, so that municipal property can be used for something more than just passive recreation. He suggested to

Council that they could set their own limitations on what can be done, such as allowing a school or other municipal use. After discussion, Council was amenable to his suggestion, and Mayor Scannapieco asked that the Township Attorney come up with a draft ordinance for Council's consideration for the April 1 workshop meeting.

Regarding Item 17 (National Environmental Trust Fund), Business Administrator Bob Albertson asked Council if they would support this program. He informed them that there is no cost, and asked if they would allow the township's name to be used in public advertisements. Council agreed, and Mr. Albertson will take care of the necessary paperwork.

Good & Welfare - Council President Lichter asked that Council move a resolution appointing the Emergency Management Council to the March 25 agenda. He also asked that authorization to bid the library addition also be moved to that agenda. Council agreed on both matters. Councilman Friedman brought up the insurance surcharge, and asked that Council think about expressing their thoughts on this in the form of a letter or resolution. Mayor Scannapieco presented Council with the budget, informing them that there is no municipal tax increase. Additional manpower has been provided for some departments, and the budget contains no bonding of salaries. Council President Lichter asked that Council members let him know their availability for budget meetings. He also asked Council if they would let him, as chairman, limit the number of discussion items on a Council workshop agenda, so that meetings do not run so late. Council will give some thought to this, and get back to him.

At 11:50 P.M., Council President Lichter moved that the meeting go into Closed Session for the purposes of discussing litigation and personnel. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of March, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 12:05 AM, Councilman Friedman moved that the executive session be opened, and that the meeting then be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *April 22, 1993*

OFFERED BY: *Carpiano*  
 SECONDED BY: *Broderick*

AYES: 4

NAYS: 0  
 Absent: *Gurtman*

*Alida De Gaeta*

ALIDA DE GAETA  
 DEPUTY MUNICIPAL CLERK

*Herbert Lichter*

HERBERT LICHTER  
 COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

March 25, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on March 25, 1993 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:30 PM, notice of which had been sent to the Asbury Park Press on March 12, 1993. After Council President Lichter read such announcement, Council President Lichter moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 3 - 0 in favor. Absent: Carpiano & Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 25th day of March, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 7:50 PM, Councilman Friedman moved that the Closed Session be opened, and that a recess be called until 8 PM. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Carpiano & Gurtman.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman and Council President Lichter.  
Council Vice President Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta

Citizen's Voice - The following persons spoke about the problems caused by the apparition in the Buckley Road area, imploring Mayor and Council to take some kind of action to alleviate the situation, as they can no longer tolerate this infringement on their rights:

Keith Eldridge - 104 Buckley Road

Molly Lowery - 15 Hudson Street

Teresa Eldridge - 118 Dutch Lane Road

Rosary Pollara - 20 Moore Road

Betsy Lowery - 15 Hudson Street

Mayor and Council expressed their deep concern for the residents and after discussion, it was Council's consensus that a "special meeting" be held with the residents in Closed Session, as this is a matter of litigation, to discuss what steps have been taken and what steps can be taken in the future. Keith Eldridge was named as the contact person for the residents, and will be notified as to the date and time.

Council Speaks Out - There was no one who wished to speak.

Councilman Carpiano moved that the minutes of Feb. 11 & Feb. 25, 1993 be approved. This was seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #58-93/Ord. #6-93 (Permitting Township to Exceed Cap Index Rate) was introduced by reference, offered by Councilman Carpiano, and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #6-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 58-93

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

ORDINANCE # 6-93

AN ORDINANCE TO PERMIT THE TOWNSHIP OF  
MARLBORO TO EXCEED "CAP" RATE PURSUANT  
TO P.L. 1986, C. 203

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

The following Resolution #59-93/Ord. #10-93 (Amending Section 117-2 - Recreation Programs Fees) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. # 10-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #59-93

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

ORDINANCE # 10-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 117-2 (SCHEDULE OF FEES FOR RECREATIONAL PROGRAMS) OF CHAPTER 117 (RECREATIONAL FACILITIES) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Based on the recommendation of the Township Attorney, Councilman Friedman moved that the following be tabled: Res. #34-93/Ord. #7-93 (Establishing Chapter 43), Res. #35-93/Ord. #8-93 (Amend Land Use - Various Sections - Amusement Arcades) and Res. #36-93/Ord. #9-93 (Amend Section 84-74.3 - Amusement Devices). This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman. This will be brought up and discussed at the April 1 workshop meeting.

The following Resolution #60-93/Ord. 11-93 (Amend Land Use - Alternate Member Planning Board) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 60-93

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

ORDINANCE #11-93

AN ORDINANCE AMENDING SUBSECTION 84-9A (3) (c) (ALTERNATE MEMBERS OF THE PLANNING BOARD) OF ARTICLE II (LAND USE PROCEDURES)

OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 11-93

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

1. Subsection 84-9A(3) (c) of Article II of Chapter 84 of the "Code of the Township of Marlboro, New Jersey," is hereby amended to read as follows (additions are underlined, deletions are in [brackets]):

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of [Class IV] any class. A vote should not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect following final adoption and publication pursuant to law.

The following were introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Res. #61-93/Ord. #12-93 (Speed Limit Harbor Road), Res. #62-93/Ord. #13 (Restricted Parking Millay Road), Res. #63-93/Ord. #14-93 (Title 39 - The Mart Parking Lot), and Res. #64-93/Ord. #15-93 (Closing of Street for Health, Safety & Welfare).

RESOLUTION # 61-93

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

ORDINANCE # 12-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-55 (SCHEDULE XVIII: SPEED LIMITS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE  
OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 12-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-55 (SCHEDULE XVIII: SPEED LIMITS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE  
OF THE TOWNSHIP OF MARLBORO, NEW JERSEY. "

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

1. Section 138-55 (Schedule XVIII: Speed Limits) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish speed limits on Harbor Road as follows:

Name of Street	Speed Limit (Miles Per Hour)	Location
Harbor Road	35 miles an hour	Entire length

2. Regulatory and warning signs, conforming to the current manual on uniform traffic control devices for streets and highways, shall be erected and maintained to effect the above designated speed limits.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon approval by the Commissioner, Department of Transportation.

RESOLUTION # 62-93

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

ORDINANCE # 13-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-39 (SCHEDULE II: NO PARKING CERTAIN HOURS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 13-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-39 (SCHEDULE II: NO PARKING CERTAIN HOURS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-39 (Schedule II: No Parking Certain Hours) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following:

NAME OF STREET	SIDE	HOURS/DAYS	LOCATION
Millay Road	Both	5:00 a.m. to 6:00 p.m. Monday through Friday, Parking shall be limited to four (4) hours, except legal holidays	From Union Hill Road to Dickinson Lane

2. The effectiveness of this ordinance shall be contingent upon proper signs being erected pursuant to law.

3. This ordinance shall be enforced by N.J.S.A. 39:4-138, parking in a prohibited area. Every person convicted of a violation shall be subject to the penalty expressly provided by this statute.

4. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

5. This ordinance shall take effect upon approval by the Commissioner, Department of Transportation.

RESOLUTION # 63-93

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

ORDINANCE # 14-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-37 (ADDITIONAL PARKING AND TRAFFIC REGULATIONS) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 14-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-37 (ADDITIONAL PARKING AND TRAFFIC REGULATIONS) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-37 (Additional Parking and Traffic Regulations) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following:

L. The Mart Center. Samuel Associates has filed a written consent with the Township of Marlboro that the provisions of Subtitle One, Title 39 of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at THE MART CENTER, located in the Township of Marlboro, County of Monmouth, and the following regulations shall be enforceable:

(1) All vehicles must park only in designated areas and between the lines provided.

(2) HANDICAPPED PARKING. All stalls shall be twelve (12) feet wide and signed with R7-8 (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking permits by the Division of Motor Vehicles.

(3) PARKING TIME LIMITED. No person shall park a vehicle for longer than the time limit between the hours listed on any day upon any of the streets or parts of streets described:

<u>Name of Street</u>	<u>Sides</u>	<u>Time Limits</u>	<u>Location</u>
B Street	East	4 hours	From K Street to C Street
B Street	West	4 hours	From I Street to C Street
D Circle	Both	4 hours	North Leg
D Circle	West	4 hours	West Leg
D Circle	North	4 hours	South Leg
E Street	Both	4 hours	From D Street to D Street
F Street	Both	4 hours	From K Street to J Street
G Street	Both	4 hours	From K Street to J Street
H Street	Both	4 hours	From B Street to J Street
I Street	Both	4 hours	From B Street to J Street

(4) RESTRICTED PARKING. No person shall stop or stand a vehicle anytime upon any of the following described roadways or parts of roadways:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
A Street	Both	Entire Length
B Street	West	From I Street to H Street
C Street	East	Entire Length
D Street	Both	East Leg
D Street	East	West Leg
D Street	South	South Leg
J Street	Both	Entire Length
K Street	Both	Entire Length

(5) PERMIT PARKING.

- (a) The parking lot has reserved parking for various vehicles which must be properly identified as per site plan.

- (b) All employees of THE MART CENTER shall be issued parking permits by the owner.

(6) TOW AWAY ZONE. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exitways, loading zones, oil fills, any grass area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at owner's or operator's expense.

(7) WEIGHT LIMITATIONS. Trucks over four (4) tons gross weight are hereby excluded from the main parking areas, except for pick up and delivery of materials in area.

(8) ONE-WAY STREETS. The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these Streets will be permitted on the sides indicated below.

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>	<u>Parking Permitted</u>
A Street	West	Northern ingress for its entire length	None
A Street	East	Southern egress for its entire length	None
C Street	South	From D Street to B Street	West side entire length

(9)(a) THROUGH STREETS. The following streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through streets.

- K Street: From a point fifteen (15) feet West of A Street to a point fifteen (15) feet East of D Circle.
- B Street: From a point fifteen (15) feet South of K Street to a point fifteen (15) feet North of C Street.
- D Circle: From a point fifteen (15) feet North of the northern most intersect of K Street to a point fifteen (15) feet South of the southern most intersect of K Street.
- J Street: From a point fifteen (15) feet West of B Street to a point fifteen (15) feet East of F Street.

(b) STOP INTERSECTIONS. The following intersections are hereby designated as Stop Intersections:

<u>Intersection</u>	<u>Stop On</u>
A Street and Route 9	A Street
K Street and B Street	B Street
K Street and D Street	K Street
K Street and G Street	G Street
K Street and F Street	F Street
B Street and H Street	H Street
B Street and I Street	I Street
B Street and J Street	J Street
B Street and C Street	C Street
D Circle and E Street	E Street both ends
J Street and F Street	F Street
J Street and G Street	G Street
J Street and H Street	H Street
J Street and I Street	I Street

(10) SPEED LIMITS.

- (a) The speed limits for both directions of traffic in the parking lots and roadway lane shall be 15 MPH.
- (b) The speed limits for both directions of travel on the following roads are:

<u>Name of Street</u>	<u>MPH</u>	<u>Limits</u>
A, B, C, E, F, G, H, I, J, K Streets	15 MPH	Entire Length
D Circle	15 MPH	Entire Length

- (c) Regulatory and Warning Signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

(11) LANE USE RESERVATION. The lane locations described are designated as lane use reservations and traffic shall move as indicated:

INTERSECTION

A Street and Route 9

MOVEMENTEast bound lane on A Street  
for right turn only

(12) All signs, posts, bolts or other necessary materials shall be installed and paid for by the applicant. Work shall be checked by the Police Department to insure installations meet State and Federal specifications, and all signing shall conform to the current manual on Uniform Traffic Control Devices.

(13) Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than five hundred dollars (\$500.00) or imprisonment for a term not exceeding fifteen (15) days or both.

(14) EFFECT OF REGULATIONS. If any part of this regulation is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the regulation.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publications in accordance with law.

RESOLUTION # 64-93

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

ORDINANCE # 15-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138  
(VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY" TO ESTABLISH ARTICLE XVI  
(EMERGENCY STREET CLOSING)

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 15-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138  
(VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP

OF MARLBORO, NEW JERSEY" TO ESTABLISH ARTICLE XVI  
(EMERGENCY STREET CLOSING)

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

1. Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish Article XVI as follows:

ARTICLE XVI

EMERGENCY STREET CLOSING

Section 138-66. Regulation of Street Closing by Chief of Police for Public Health, Safety or Welfare Purposes.

- A. The Chief of Police or his designee of the Township of Marlboro is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic during specified hours on any day or days whenever he finds that such closing is necessary for the preservation of the public health, safety or welfare.

Section 138-67. Posting of Signs.

- A. Any regulation promulgated by the Township of Marlboro under and in accordance with this Article, shall provide for the posting of proper warning signs of such closing in any street or any portion thereof during the time the same is closed in pursuance thereof.

Section 138-68. Violations and Penalties.

- A. Any violation of this Ordinance or of any regulation promulgated hereunder shall be punished by a fine not to exceed fifty dollars (\$50.00)

Section 138-69. Extended Closing Subject to Approval of Department of Transportation.

- A. Any regulation adopted pursuant to this Article which provides for the closing of any street or portion thereof for a period in excess of forty-eight (48) continuous hours shall not become effective unless it has been submitted to and approved by the Commissioner of the Department of Transportation.
2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall take effect upon approval of the Commissioner, Department of Transportation.

The following Resolution #65-93/Ord. #16-93 (No Passing Zones - Wyncrest Road, Topanemus Road) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 65-93

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

ORDINANCE # 16-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-57 (SCHEDULE XX: NO-PASSING ZONES)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 16-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-57 (SCHEDULE XX: NO-PASSING ZONES)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-57 (Schedule XX: No-Passing Zones) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

B. No-Passing Zones are established along the following roadways in the Township of Marlboro as authorized by the New Jersey Department of Transportation.

<u>ROAD</u>	<u>NO-PASSING AREA</u>
Topanemus Road	Entire length
Wyncrest Road	Entire length

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon approval by the Commissioner, Department of Transportation.

Council President Lichter asked that the following be tabled, as per the Township's Attorney's recommendation, as several substantial changes should be made prior to introduction: Res. #66-93/Ord. #17-93 (Amend Chapter 91 (Mobile Home Communities: Rent Control), and Res. #67-93/Ord. #18-93 (Establishing Chapter 92 - Mobile Home Communities: Licensing and Maintenance). Motion to table was made by Councilman Carpiano and seconded by Council President Lichter. Roll call was taken, and vote was 2 - 2 with Councilman Broderick and Councilman Friedman voting no. Therefore, the motion did not carry. After further explanation by the Township Attorney and discussion by Council, Council President Lichter again moved that Res. #66-93/Ord. #7-93 and Res. #67-93/Ord. #8-93 be tabled. This was seconded by Councilman Carpiano, and passed on a roll call vote of 3 - 1 vote, with Councilman Broderick voting no. Absent: Gurtman.

The following Resolution #68-93/Ord. #19-93 (Amend Site Triangle Provisions) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 68-93

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

ORDINANCE # 19-93

AN ORDINANCE AMENDING SECTION 84-130 (SITE TRIANGLES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 19-93

AN ORDINANCE AMENDING SECTION 84-130 (SITE TRIANGLES) OF  
CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE  
OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, AS FOLLOWS:

1. Section 84-130 (Site Triangles) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

- A. In any district on a corner lot, site triangles shall be required, in addition to the right-of-way width, in which no grading, planting, fence or structure shall be erected or maintained more than three (3) feet above the street center line. No driveway, designed for the purpose of parking motor vehicles thereon, shall be constructed or maintained within said site triangle. The site triangle is defined as that area outside the right-of-way which is bounded by the intersecting street lines and the straight line connecting sight points, one (1) each located on the two (2) intersecting street center lines the following distance away from the intersecting center lines; primary and secondary arterial streets, at three hundred (300) feet; major and minor collector streets, at two hundred (200) feet; and local streets, at ninety (90) feet. Where the intersecting streets are both arterial, both collector or one (1) arterial and (1) collector, two (2) overlapping sight triangles shall be required formed by connecting the site points noted above with a sight point ninety (90) feet on the intersecting streets. On all lots, no planting, grading or structure higher than three (3) feet above the street center line shall be located within the street right-of-way between the edge of the paved cartway and the street right-of-way.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

The following Resolution #69-93/Ord. #20-93 (Amend Chapter 36 and Section 4-34 - Utility Authorities) was introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 69-93

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

ORDINANCE # 20-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 36  
(UTILITIES AUTHORITIES) AND CHAPTER 4 (ADMINISTRATION  
OF GOVERNMENT OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 20-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 36  
(UTILITIES AUTHORITIES) AND CHAPTER 4 (ADMINISTRATION  
OF GOVERNMENT OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

WHEREAS, the Governing Body of the Township of Marlboro believes that it is in the best interests of the residents of the Township of Marlboro to avoid the potential for conflicts of interest in the dual holding of public office; and

WHEREAS, the Governing Body has determined that the dual holding of an elected position on the Township Council and an appointed position as a member of the Marlboro Township Municipal Utilities Authority or Western Monmouth Utilities Authority by one (1) individual may pose situations where the potential for a conflict of interest in, among other things, policy, personal interest or pecuniary matters may arise; and

WHEREAS, the governing body desires to provide a proper separation between elected membership on the Township Council and appointed membership on the MTMUA or WMUA so that not even the appearance of a conflict of interest may arise.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That Section 36-2 (Membership; Compensation) of Chapter 36 (Utilities Authorities) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

The members of the Marlboro Township Municipal Utilities Authority shall be residents of the Township of Marlboro, hereafter appointed as provided by law, and each member shall receive such compensation for his services as such member, not in excess of two thousand dollars (\$2,000) in any one (1) year, as shall

hereafter be determined by Resolution of the Marlboro Township Municipal Utilities Authority. Nothing herein contained shall modify, alter or amend any member of the Authority presently serving, except that no elected member of the Municipal Governing Body of the Township of Marlboro may serve as a member of the Marlboro Township Municipal Utilities Authority.

2. Section 36-7 (Membership; Terms of Office) of Chapter 36 (Utilities Authorities) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

Section 36-7. Membership; Terms of Office.

The Western Monmouth Utilities Authority shall consist of four (4) members thereof; two (2) of such members shall be appointed by a majority vote of the Township Committee of the Township as Manalapan, and two (2) such members shall be appointed by a majority vote of the Township Council of the Township of Marlboro, both of whom shall be Marlboro residents who are not simultaneously serving as members of the Municipal Governing Body of the Township of Marlboro. The members appointed to the Authority shall serve for terms expiring on the first day of the fifth February next ensuing after the date of the first appointment of any member on or after January 1 in the year in which the terms of said members first appointed, and in every fifth year thereafter the appropriate number of persons shall be appointed as members of the Authority for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year.

3. Section 4-34 (Departments, Offices, Agencies and Commissions) of Chapter 4 (Administration of Government) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection D (3) as follows:

(3) Municipal Utilities Authority.

There shall be a Marlboro Township Municipal Utilities Authority which shall consist of five (5) members appointed by the Council for staggered terms of five (5) years commencing on February 1. The members shall be residents of the Township of Marlboro. No person who is simultaneously serving as a member of the Municipal Governing Body of the Township of Marlboro may be appointed to serve as a member of the Marlboro Township Municipal Utilities Authority. The Marlboro Township Municipal Utilities Authority shall have and exercise all the powers conferred on such bodies by the laws of the State of New Jersey (N.J.S.A. 40:14B-1, et seq.).

4. All other ordinances of part of ordinances inconsistent herewith are hereby repealed.

5. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #70-93 (Supporting Statutory Speed Limit for Suburban/Rural Residential Districts) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 70-93

RESOLUTION SUPPORTING THE ESTABLISHMENT OF A  
STATUTORY 35 MILE PER HOUR SPEED LIMIT  
FOR SUBURBAN/RURAL RESIDENTIAL DISTRICTS

WHEREAS, New Jersey Title 39 currently contains two (2) statutory speed limits, that of twenty-five (25) miles per hour in residential districts and business districts and fifty (50) miles per hour elsewhere, except where covered by an engineering survey; and

WHEREAS, the establishment of engineering surveys for intermediate speed limits is extremely time consuming and prone to delay; and

WHEREAS, in the intervening period, numerous accidents can occur along roadways prior to the establishment of a realistic speed limit; and

WHEREAS, the New Jersey Department of Transportation has recommended to the State Legislature that an intermediate speed zone entitled "Rural Residence Zone" be established for thirty five (35) miles per hour; and

WHEREAS, the Legislature is now entertaining an amendment to Title 39 to include this intermediate speed zone.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. That Township Council of the Township of Marlboro enthusiastically endorse the establishment of the "Rural Residence Zone" at thirty-five (35) miles per hour and urges the Legislature to pass this amendment to Title 39 at the earliest possible date; and

2. That copies of this Resolution shall be forwarded to each of the following:

- a. Governor James Florio
- b. Senator Andrew R. Ciesla
- c. Assemblywoman Virginia Haines
- d. Assemblyman David E. Wolfe

- e. Senator Joseph A. Palaia
- f. Assemblyman Steve Corodemus
- g. Assemblyman Tom Smith
- h. Senator John O. Bennett
- i. Assemblyman Michael J. Arnone
- j. Assemblywoman Clare M. Farragher
- k. Senator Joseph Kyrillos
- l. Assemblyman Joseph Azzolina
- m. Assemblywoman Joann H. Smith
- n. Senator John Dimon
- o. Assemblyman Melvin Cottrell
- p. Assemblyman Robert W. Singer
- q. Township Attorney

As Council wished to revise Resolution #71-93 (Expressing D; satisfaction with Monmouth Cablevision), Council President Lichter moved that this resolution be tabled. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

The following Resolution #72-93 (Approving Contract - John O. Bennett, III, Esq.) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

RESOLUTION # 72-93

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL  
LEGAL SERVICES OF JOHN O. BENNETT, III, ESQ. AS  
TOWNSHIP ATTORNEY FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Mayor and Township Council has determined and it is required by statute to appoint a Township Attorney to handle the Township's legal affairs; and

WHEREAS, by Resolution dated January 1, 1992, John O. Bennett, III, Esq., was duly appointed Township Attorney; and

WHEREAS, the Township and John O. Bennett, Esq., have specified the terms of their agreement in accordance with the contract which is attached hereto and made a part hereof; and

WHEREAS, the Director of Finance shall certify that there are adequate funds available for the purpose of awarding this contract under the appropriate line item appropriation of the 1993 municipal budget, to which this contract will be properly charged; and

WHEREAS, this contract concerns a "professional service" and is awarded without competitive bids in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the awarding of contracts for "professional services" without competitive bids, and the contract itself, be available for public inspection, and that the notice of the awarding of the contract for "professional services" be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council has considered the foregoing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Mayor is authorized to execute and the Township Clerk to attest an agreement between the Township of Marlboro and John O. Bennett, III, Esq. for the desired legal services.
2. The Director of Finance is directed to file a certificate of availability of sufficient funds for the year 1993 and to attach same to this resolution.
3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(A) of the Local Public Contracts Law of New Jersey.
4. Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.
5. A certified copy of this resolution shall be provided to each of the following:
  - a. John O. Bennett, III, Esq.

The following Resolution #73-93 (Bond Reduction Bolling Brook - Sections 2 & 3) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 73-93RESOLUTION AUTHORIZING BOND REDUCTION -  
BOLLING BROOK/COUNTRY HILLS, SECTIONS 2 AND 3

WHEREAS, Bolling Brook/Country Hills has requested the reduction of Township held performance bonds for development known as Bolling Brook/Country Hills, Sections 2 and 3; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated March 5, 1993, which supplements the bond reduction report from Stewart Alexander, P.E., P.P., of Schoor and DePalma, Inc., the consultant in charge of site inspections for this project, dated February 15, 1993; and

WHEREAS, the above reports are attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for a development known as Bolling Brook/Country Hills, Section 2, in the current amount of \$276,304.00 shall be reduced by \$120,821.00, so that the amount to remain shall be \$155,483.00.
2. That the cash bond for a development known as Bolling Brook/Country Hills, Section 2, in the current amount of \$78,077.00 shall be reduced by \$62,529.00, so that the amount to remain shall be \$15,548.00.
3. That the performance bond for a development known as Bolling Brook/Country Hills, Section 3, in the current amount of \$610,760.00 shall be reduced by \$144,062.00, so that the amount to remain shall be \$446,698.00.
4. That the cash bond for a development known as Bolling Brook/Country Hills, Section 3, in the current amount of \$76,444.00 shall be reduced by \$29,774.00, so that the amount to remain shall be \$46,670.00.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Bolling Brook/Country Hills
  - b. Township Engineer

\*Copies of attached material to be found in regular minute book in Clerk's office.

- c. Stewart Alexander, P. E., P. P.  
Schoor & DePalma, Inc.
- d. Township Attorney

The following Resolution #74-93 (Bond Release Denial Greenbriar North - Sections 7 & 8) was introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 74-93

RESOLUTION DENYING BOND REDUCTION -  
GREENBRIAR NORTH, SECTIONS 7 AND 8

WHEREAS, U.S. Home Corporation has requested the reduction of Township held performance bonds for a development known as Greenbriar North, Sections 7 and 8: and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Municipal Engineer, David Birnbaum, P.E. dated February 19, 1993; and

WHEREAS, those reports are attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the request for a reduction in the performance bond for a development known as Greenbriar North, Section 7, in the present amount of \$150,000.00 shall be denied.

2. That the request for a reduction in the cash bond for a development known as Greenbriar North, Section 7, in the present amount of \$35,000.00 shall be denied.

3. That the request for a reduction in the performance bond for a development known as Greenbriar North, Section 8, in the present amount of \$100,000.00 shall be denied.

4. That the request for a reduction in the cash bond for a development known as Greenbriar North, Section 8, in the present amount of \$25,000.00 shall be denied.

5. That a certified copy of this Resolution shall be provided to each of the following:

\*Copies of attached material to be found in regular minute book in Clerk's office.

- a. U.S. Home Corporation
- b. Township Engineer
- c. Township Attorney

The following Resolution #75-93 (Authorization to Bid: Construction of Library Addition, Partitions - Marlboro Swim Club, Call Taker Console) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 75-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Construction of Library Addition  
Partitions - Marlboro Swim Club  
Call Taker Console

The following Resolution #76-93 (Affirming Appointment of Emergency Management Council) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTIONS #76-93

RESOLUTION AFFIRMING THE APPOINTMENT  
OF THE EMERGENCY MANAGEMENT COUNCIL

WHEREAS, the Township of Marlboro is required by law to establish an Emergency Management Council; and

WHEREAS, the Mayor, acting fully within his authority, and with the advice and consent of the Council of the Township of Marlboro, may appoint individuals to said Emergency Management Council; and

WHEREAS, the Mayor has proposed the appointment of several individuals to comprise the Emergency Management Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor, and with the advice and consent of the Township Council, that the following persons be appointed to the Emergency Management Council:

<u>Name</u>	<u>Working Title</u>
Philip J. Piccolo	Safety\Risk Management Twsp. Bd of Ed
Stanley Podstowski	Owner\Operator Stanley's Towing
Greg Perrini	Manager Marlboro Township M.U.A.
Edward Smith	Superintendent Marlboro Twsp. D.P.W.
Walter Holtz	Chairman Twsp. Fire Prevention Bureau
Harriet Schlossberg	Marlboro Twsp. Welfare Director
Thomas Broderick	Marlboro Twsp. Councilman
Donald Weber	Captain Morganville First Aid
Alan Sneider	Captain Marlboro First Aid
Robert W. Stover	Captain Marlboro Twsp. Police Dept.
Mary Ann Charney	Mobile Intensive Care Paramedic
James Bartley	Operations Manager, Handex Corp.
Robert Albertson	Marlboro Twsp. Business Administrator

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

The following Resolutions were introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Res. #77-93 (Authorizing Tax Assessor to Execute Documents), Res. #78-93 (Bond Reduction Bolling 2 & 3), Res. #79-93 (Disallowing Senior Cit. Deductions (Various)), Res. #80-93 (Refund Overpayments - B. 284, L. 8 & B. 194, L. 19), Res. #81-93 (Senior Cit. Deductions - B. 180, L. 89 & B. 288, Lot 29 C0451), Res. #82-93 (Widow of Vet. Ded. B. 180, L. 89 & B. 288, Lot 29 C0451), Res. #83-93 (Tax Refund - B. 312, L. 69), Res. #84-93 (Tax Refund - B. 379, L. 37), Res. #85-93 (Tax Refund B. 176, L. 15).

#### RESOLUTION # 77-93

WHEREAS, statutory provision is made for review and correction of errors prior to certification of an assessment list, and

WHEREAS, provision is also allowed for the discovery and correction of errors during the establishment of the tax rate, and

WHEREAS, changes in property ownership at times necessitates adjustments in the Veterans and/or Senior Citizen deductions allowed on the assessment list, and

WHEREAS, responsibility for maintenance and correction of the assessment list rests with the local Assessor subject to laws and regulations:

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Marlboro, that the Assessor fulfilling the duties and requirements of his office, be authorized to file with the Monmouth County Board of Taxation such appeals as may be necessary to

maintain accuracy and equality in the assessment list of the Township of Marlboro, and

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to execute Stipulation of Settlement on behalf of the Municipality.

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to file complaints on behalf of the Municipality based upon farmland and rollback procedures.

BE IT FURTHER RESOLVED that the Assessor is hereby authorized to file cross petitions of appeal and counter claims.

BE IT FURTHER RESOLVED that a certified copy of this resolutions accompany an appeal by the Assessor with the Monmouth County Board of Taxation.

RESOLUTION # 78-93

WHEREAS, the attached list in the net amount of seventy-two cents (\$.72), known as Schedule "A", is comprised of amounts too minor to collect or to refund for the year 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to release the Tax Collector from collection thereof and orders the above-mentioned amount canceled.

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
119	5 QFARM	Hauser, Clarence E.	\$ .67
195		Cipoletti, Carmine & Angela	.01
351	2	Northeastern Dev. Inc.	.02
414	14	Maghan, Edgar, Jr. & Nona	<u>.01</u>
TOO MINOR TO COLLECT-----\$			.71
176	2	Daroci, Stephen & Doris	.74
271	9	Joyce, Marilyn C.	.01
345	13	Koerner, John J. & Maria R.	.01
414	1 QFARM	Chin, Toy Ding & Wei Chuan	<u>.67</u>
TOO MINOR TO REFUND -----\$			1.43
TOTAL TO CANCEL -----\$			.72

RESOLUTION # 79-93

WHEREAS, the Tax Collector has disallowed Senior Citizen deductions for the year 1992 in the amount of \$1,835.24 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to charge back the amount of \$1,835.24 to the current assessed owners as per the above-mentioned Schedule "A".

SCHEDULE "A"

BLOCK	LOT	CURRENT ASSESSED OWNER	AMOUNT CHARGED BACK	PERMANENTLY REMOVED
132	10	Downey, Edward C. & Downey, Ruth	250.00	Yes
143	8	Fetter, Linus A.	46.92	Yes
172	34	Storer, Frances	250.00	Yes
68	3	Stein, Alta Rae	250.00	Yes
288	29			
	C0211	Weiner, Irwin & Ruth	148.92	Yes
299	128	Gadowski, Claire	250.00	No
340	4	Lalima, Dominick Frank & Camille	29.24	Yes
371	167	Gregory, Edward & Marguerite	27.88	Yes
371	250	Lasus, Walter & Thelma	250.00	Yes
386	10	Green, Moe & Carol Ann	82.28	Yes
417	13	Smith, Willard & Ruth	250.00	No

TOTAL----- \$1,835.24

RESOLUTION # 80-93

WHEREAS, duplicate payments for 1993 first quarter taxes have been received in the amounts of \$1,054.62 for Block 284 Lot 8, assessed to Calicchio, Andrew and Christine and \$1,123.81 for Block 194 Lot 19 assessed to Higgins, Robert and Susan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts which total \$2,178.43 to the respective taxpayers.

RESOLUTION # 81-93

WHEREAS, Senior Citizen deductions in the amounts of \$250.00 each have been allowed for the year 1993 for Block 180 Lot 89 assessed to Kathryn Shalvatis and Block 288 Lot 29 C0451 assessed to Doris Wood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the above-mentioned deductions which total \$500.00 to the respective blocks and lots.

RESOLUTION # 82-93

WHEREAS, a Widow of a Veteran deduction in the amount of

\$50.00 has been allowed for the year 1993 for Block 180 Lot 89 assessed to Kathryn Shalvatis,

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the Township of Marlboro to apply the above-mentioned deduction to the respective block and lot.

RESOLUTION # 83-93

WHEREAS, Tax Court of New Jersey has granted a judgment in the amount of \$790.13 for the year 1992 on Block 312 Lot 69 assessed to Castiglia, Theodore and Lenore, and

WHEREAS, taxes for the year 1992 have been paid in full on the above-mentioned block and lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the of Marlboro to refund the amount of \$790.13 to the above-mentioned taxpayers.

RESOLUTION # 84-93

WHEREAS, Tax Court of New Jersey has granted a judgement in the amount of \$602.17 for the year 1991 on Block 379 Lot 37 assessed to Feit, Sheldon and Florence, and

WHEREAS, taxes for the year 1991 have been paid in full on the above-mentioned block and lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$602.17 to the above-mentioned taxpayers.

RESOLUTION # 85-93

WHEREAS, Tax Court of New Jersey has granted a judgment in the amount of \$5,131.54 for the year 1991 on Block 176 Lot 15 assessed to Linden Associates c/o C. Lubetkin, and

WHEREAS, taxes for the year 1991 have been paid in full on the above-mentioned block and lot.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$5,131.54 to the above-mentioned taxpayers.

The following Resolution #86-93 (Tonnage Grant - Recycling) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 86-93

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the intent of the Marlboro Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates Sidney Leveson, Recycling Coordinator, to ensure that the said application is properly filed.

Public Session There was no one who wished to speak.

Administrative Report - Mayor Scannapieco asked that Council consider adopting a Resolution supporting Assembly Bill A-1887, which reimburses municipalities for the cost of Hepatitis B vaccination for emergency personnel. Council agreed, and asked that the Township Attorney prepare such resolution for the April 1 agenda. The Mayor also informed Council that yesterday he signed the final sections of the township's Emergency Management Plan, which has now been remitted to the County and Federal Agencies for their approval. Mayor Scannapieco informed Council that as a result of the Senate investigation of the

incident which took place at Marlboro Psychiatric Hospital a few months ago, a report from Commissioner Waldman was just received. The report detailed the circumstances of the elopement and offered a willingness to try to enhance the security issue. Commissioner Waldman suggests that there be established a committee which would encompass legislative personnel, administration and others. The Mayor stated that he, Senator Bennett, and Councilman Broderick, who will represent Council and the Sheriff's office, are willing to serve on this committee, as well as Brenda Schwartz. The Mayor has also contacted Assemblyman Arnone asking for his participation. He asked that if others wished to volunteer, he would be happy to entertain their involvement. Mayor Scannapieco informed Council that discussions with JCP & L have been held with regard to instituting a conservation program for electric use by the township, and also New Jersey Bell has been contacted with regard to improving service and cutting costs. Both of these services will be performed by the utilities at no cost to the township. Business Administrator Bob Albertson announced that the Police Dept. has completed a driver safety which will be made available to the public in a few months, which has been successfully completed by many township employees. Councilman Broderick stated that if any township employees are looking to obtain a CDL license, they should contact him, as he is currently establishing such class at the Mon. County Vocational School.

At 10:05 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *April 22, 1993*

OFFERED BY: *Coscano*

AYES: *4*

SECONDED BY: *Broderick*

NAYS: *0*

*Absent: Gurtman*

*Evelyn M. Piccolini*

\_\_\_\_\_  
EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

April 1, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on April 1, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter.  
Council Vice President Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

The following Resolution #87-93 (Temporary Budget - \$2,213,005.00) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #87-93

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro; and

WHEREAS, Revised Statute 40A: 4-19 of the State of New Jersey provides that the Governing Body of any Municipality may make temporary appropriations to provide for any contract, commitments or payments to be made between the beginning of the Budget Year and the adoption of the Final Budget.

WHEREAS, the total amount of appropriations hereunder of \$2,213,005.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1992 exclusive of any appropriations made for debt service, or capital improvement fund;

NOW, THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1993 be adopted, and a certified copy of this Resolution be forwarded to the Township Finance Director for his records.

TEMPORARY BUDGET  
TOWNSHIP OF MARLBORO  
1993

ADMINISTRATIVE & EXECUTIVE

Salaries & Wages	
Mayor	4,350.00
Council	18,000.00
Administration	15,000.00
Other Expenses	
Mayor	2,500.00
Council	5,000.00
Administration	30,000.00

FINANCIAL ADMINISTRATION

Salaries & Wages	14,500.00
Other Expenses	5,000.00
Annual Audit	25,000.00

ASSESSMENT OF TAXES

Salaries & Wages	13,000.00
Other Expenses	10,000.00

COLLECTION OF TAXES

Salaries & Wages	16,000.00
Other Expenses	5,000.00

LIQUIDATION OF TAX TITLE LIENS

Other Expenses	-0-
----------------	-----

LEGAL SERVICES & COSTS

Salaries & Wages	23,000.00
Other Expenses	20,000.00

ENGINEERING

Salaries & Wages	20,000.00
Other Expenses	5,000.00

BUILDING MAINTENANCE

Salaries & Wages	10,000.00
Other Expenses	10,000.00

STATE CONSTRUCTION CODE

Salaries & Wages	30,000.00
Other Expenses	3,000.00

PLANNING BOARD

Salaries & Wages	5,000.00
Other Expenses	10,000.00
Contractual O/E	10,000.00

BOARD OF ADJUSTMENT

Salaries & Wages	7,000.00
Other Expenses	10,000.00

<u>HEALTH BENEFITS</u>	146,000.00
------------------------	------------

<u>GENERAL INSURANCE</u>	15,000.00
--------------------------	-----------

<u>WORKERS COMPENSATION</u>	-0-
-----------------------------	-----

PUBLIC SAFETY

Salaries & Wages	
Police	460,000.00
Fire Prevention	7,500.00
Highway Safety	30,000.00
Other Expenses	
Police	40,000.00
Fire Prevention	5,000.00
Highway Safety	15,000.00

EMERGENCY MANAGEMENT

Other Expenses	2,000.00
----------------	----------

CRIME PREVENTION

Other Expenses	5,000.00
----------------	----------

SANITATION

Salaries & Wages	-0-
Other Expenses	10,000.00

RECYCLING

Salaries & Wages	-0-
Other Expenses	30,000.00

PUBLIC WORKS

Salaries & Wages	
Road Maintenance	200,000.00
Equipment Maintenance	30,000.00
Grounds Maintenance	62,000.00
Other Expenses	
Road Maintenance	60,000.00
Equipment Maintenance	20,000.00
Grounds Maintenance	20,000.00

DOG REGULATIONS

Other Expenses	2,000.00
----------------	----------

HEALTH & WELFARE

Salaries & Wages	
Health Services - Registrar	350.00
Public Assistance	1,000.00
Drug Control	1,200.00
Other Expenses	
Health Services - Registrar	250.00
Public Assistance	1,000.00
Drug Control	1,000.00

RECREATION & EDUCATION

Salaries & Wages	35,000.00
Other Expenses	20,000.00

<u>EXPENSES OF THE PUBLIC LIBRARY</u>	4,000.00
---------------------------------------	----------

UTILITIES

Gasoline	20,000.00
Diesel Oil	15,000.00
Electric	20,000.00
Telephone	15,000.00
Natural Gas	5,000.00
Heating Oil	15,000.00
Street Lighting	60,000.00
Water	2,000.00
Sewer	2,000.00

PENSION BENEFITS

Police & Firemen	327,581.00
Public Employees	74,274.00

<u>SOCIAL SECURITY</u>	35,000.00
------------------------	-----------

<u>UNEMPLOYMENT</u>	15,000.00
---------------------	-----------

MUNICIPAL COURT

Salaries & Wages	20,000.00
Other Expenses	25,000.00

AFFORDABLE HOUSING

Salaries & Wages	1,000.00
Other Expenses	-0-

CLEAN COMMUNITIES

Salaries & Wages	-0-
Other Expenses	2,000.00

DRUG ALLIANCE

Salaries & Wages	4,500.00
Other Expenses	<u>5,000.00</u>

TOTAL GENERAL OPERATING BUDGET	\$ 2,213,005.00
--------------------------------	-----------------

The following Resolution #88-93 (Temporary Budget - Swim Utility (\$66,500.00) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #88-93

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro; and

WHEREAS, Revised Statute 40A: 4-19 of the State of New Jersey provides that the Governing Body of any Municipality may make temporary appropriations to provide for any contract, commitments or payments to be made between the beginning of the Budget Year and the adoption of the Final Budget.

WHEREAS, the total amount of appropriations hereunder of \$66,500.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1992 exclusive of any appropriations made for debt service, or capital improvement fund;

NOW, THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1993 be adopted, and a certified copy of this Resolution be forwarded to the Township Finance Director for his records.

TEMPORARY BUDGET  
SWIM POOL UTILITY  
1992

Salaries & Wages	15,000.00
Other Expenses	40,000.00
Capital Outlay	10,000.00
Social Security	<u>1,500.00</u>
	\$66,500.00

The following Resolution #89-93 (Authorization to Bid: Capital Improvements to Swim Club) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Broderick. Arthur Lawrence, Executive Director, was present to enumerate to Council what was included in the capital improvements. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 89-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Capital Improvements to Marlboro Swim Club

The following Resolution #90-93 (Award of Bid: Swim Club Snack Bar) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Discussion followed, after which Council agreed with the Swim Division's recommendation that the bid be awarded to Mr. Russo. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 90-93

BE IT RESOLVED THAT:

1. JEFFREY RUSSO  
be and they are determined to be the highest bidder covering the following work, labor and/or materials:

Snack Bar - Marlboro Swim Club

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Jeffrey Russo  
Brigantine, N. J.

on their high bid of: \$15,520.00.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #91-93 (Award of Bid: Swim Club Gazebos) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #91-93

BE IT RESOLVED THAT:

1. TAYLOR MADE PRODUCTS, INC.

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Gazebos - Marlboro Swim Club

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Taylor Made Products, Inc.  
167 N. Main Street  
Gloversville, N. Y. 12078

on their low bid of: \$24,001.00

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #92-93 (Award of Bid: Recreation Busing) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 92-93

BE IT RESOLVED THAT:

1. GREENWOOD BUS COMPANY

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

RECREATION BUSING

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Greenwood Bus Company  
327 Greenwood Road  
Matawan, N. J. 07748

on their low bid of: SEE ATTACHED\*

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #93-92 (Authorizing Contract Schoor & DePalma - Recreation Center) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Discussion followed, during which Councilman Carpiano asked that the wording in paragraph 2 state that the Ad Hoc Committee recommend that the Council approve the Council. Council agreed, and the resolution was changed accordingly. Council asked Administration to try to get more than one proposal in the future, so that they will have a basis for comparison. Business Administrator Bob Albertson stated that in some cases, especially for engineering work, it was difficult to obtain more than one proposal, as many firms are not willing to do the preliminary work to come up with a proposal. However, wherever possible, he will get more than one proposal. After discussion, Council also asked that the Ad Hoc Committee give Council a short update on the progress of the Recreation Center at the next workshop meeting, May 13th. Council President Lichter called the question, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #93-93

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL  
ENGINEERING SERVICES OF SCHOOR & DEPALMA, INC.

WHEREAS, there exists a need for the professional engineering services of Schoor & DePalma, Inc., to serve as engineer to the Township of Marlboro in a matter involving the final design of the Marlboro Recreation Center; and

WHEREAS, the Ad Hoc Committee of the Recreation Commission has recommended that the Marlboro Township Council approve the contract from Schoor & DePalma, Inc. for the Marlboro Recreation Center Final Design/Contract Documents and Construction Observation/ Administration Services; and

\*Copies of attached material to be found in regular minute book in Clerk's office.

WHEREAS, Schoor & DePalma, Inc., will perform the required services for the estimated fee of \$39,825.00: and

WHEREAS, the Director of Finance shall certify that there are adequate funds available for the purpose of awarding this contract under the appropriate line item appropriation of the 1993 municipal budget, to which this contract will be properly charged; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the awarding of contracts for "professional services" without competitive bids, and the contract itself, be available for public inspection, and that the notice of the awarding of the contract for "professional services" be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council has considered the foregoing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Mayor is authorized to execute and the Township Clerk to attest an agreement between the Township of Marlboro and Schoor & DePalma, Inc. for the desired engineering services as outlined hereinabove.

2. The Director of Finance is directed to file a certificate of availability of sufficient funds for the year 1993 and to attach same to this resolution.

3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (A) of the Local Public Contracts Law of New Jersey.

4. Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.

5. A certified copy of this resolution shall be provided to each of the following:

- a. Schoor & DePalma, Inc.
- b. Sheila Fishkin, Chief Financial Officer
- c. Marlboro Township Recreation Commission
- d. Township Attorney

The following Resolution #94-93 (Supporting Hepatitis B Vaccine) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 94-93**RESOLUTION URGING NEW JERSEY LEGISLATURE TO SUPPORT A1887 - A BILL TO REIMBURSE MUNICIPALITIES FOR THE COST OF HEPATITIS B VACCINATION**

WHEREAS, volunteer and non-volunteer emergency medical technicians, firefighters, and police officers incur the risk of exposure to blood borne pathogens during the course of their employment with the Hepatitis B virus being the greatest exposure; and

WHEREAS, Raymond L. Bramucci, Commissioner, New Jersey Department of Labor has introduced and published in the New Jersey Register (October 19, 1992) a proposed amendment of N.J.A.C. 12:100-4.2 which would require public employers in the State of New Jersey to provide its rescue services and law enforcement personnel with a Bloodborne Pathogens Compliance Program, which will include expenditures for engineering controls, personal protective equipment, training, vaccination, and post-exposure followup, and other areas of risk reduction, and

WHEREAS, the cost of implementing the compliance program for the 245 MEL members and its 21,000 rescue and law enforcement personnel is estimated to be approximately of \$2.5 million dollars; and

WHEREAS, Assemblymen Singer and Cottrell introduced Assembly Bill #1887 on October 8, 1992, which amends N.J.S. 2C:64-4 and P.L. 1992, C.40 to direct that a percentage of the proceeds obtained by the Attorney General from property forfeitures and seizures be deposited in a special Hepatitis Inoculation Fund; and

WHEREAS, this special Fund could be used by the already financially burdened municipalities to help defray the cost of vaccinating emergency medical technicians, firefighters and police officers against the hepatitis B virus.

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro that the Mayor and Council support Assembly Bill #A-1887.

BE IT FURTHER RESOLVED that the Township of Marlboro also propose amending A-1887 to allow those municipalities who have initiated a Hepatitis B Virus Vaccination amendments to N.J.A.C. 12:100-4.2 as published in the October 19, 1992 New Jersey Register, be retroactively eligible for reimbursement for the cost of the program for the Hepatitis Inoculation Fund.

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

- A. Honorable Garabed "Chuck" Haytaian - Speaker - New Jersey General Assembly

- B. Honorable Rodney P. Frelinghuysen Assemblyman  
District 25
- C. John O. Bennett III - Senator - District 12
- D. Michael J. Arnone - Assembly - District 12
- E. Clare M. Farragher - Assemblywoman - District 12

The following Resolution #95-93 (WMUA Refinancing of Bonds) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #95-93

TOWNSHIP RESOLUTION TO SERVICE CONTRACT

WHEREAS, the Western Monmouth Utilities Authority ("Authority") has determined to improve the Authority's sanitary sewer system by the relocation of the Big Brook interceptor, repair and modifications to the Hawkins Road pump station, replacement of the Aeration Basin at the sewerage treatment plant, installation of high efficiency air diffusers at the sewerage treatment plant, removal and replacement of underground storage tanks and replacement of the equalization basin liner, together with other purposes necessary, appurtenant and incidental therefor (the "Fourth Project"); and

WHEREAS, the Authority has requested the Townships of Manalapan ("Manalapan") and Marlboro ("Marlboro") (collectively referred to as the "Participants") to approve the Fourth Project and the financing thereof through the issuance of bonds, notes or other evidence of indebtedness of the Authority of not to exceed an estimated cost of three million dollars (\$3,000,000); and

WHEREAS, in connection therewith it is necessary to amend the 1978 Service Contract ("Contract") between said parties in order to: (1) add a definition of the Fourth Project, and (2) amend the definition of "Bond".

NOW, THEREFORE BE IT RESOLVED by the Township of Marlboro as follows:

SECTION 1. The form of Amendment No. 1 to the 1978 Service Contract, is hereby approved in substantially the form submitted to this meeting and consistent with the presentation of the Authority and the Mayor and the Clerk are hereby authorized to execute and attest, respectively, said Amendment No. 2 and to deliver the same. \*SEE ATTACHED

\*Copies of attached material to be found in regular minute book in Clerk's office.

SECTION 2. This Resolution shall take effect immediately.

Council then discussed Item 10 (Rezoning Request - Builders Pride). Jerry Selvers, Esq., was present representing Builder's Pride, as well as their engineer, Charles Schultz, and the owner. They asked that Council consider rezoning Block 392, Lots 25 & 27, from R-60 to R-20 or R-25. The Planning Board had recommended that Council change such zone to R-25, as per their resolution of January 6, 1993. Township Planner, Joseph Layton, also recommended such change, but proposed that the entire R-60 zone (approximately 43 acres) be rezoned. Mr. Selvers stated that his client will widen and improve Ryan Road to the westerly border with Manalapan, and will also contribute towards acquisition of property to widen other sections of Ryan Road on the basis of \$1,000 per lot. Council President Lichter asked Mayor Scannapieco where the state widening of Ryan Road now stands. The Mayor informed Council that he is in the process of getting an analysis of the entire length of Ryan Road and some feeder roads, and will pass along the information to Council as soon as he receives it. After discussion, it was Council's consensus that the property owned by Builders Pride be rezoned to R-25. The ordinance was moved to the April 22 agenda, for First Reading.

Council discussed Item 11 (Naming of Street to Conform to 911 Regulations). Council moved a resolution naming "Old Farm Road" to the April 22 agenda.

Item 12 (Res./Ord. - Emergency Services Benefits) was discussed by Council. Council asked all pertinent questions, made certain changes, and finalized all provisions of the ordinance. It was then moved to the April 22 agenda for First Reading.

The following items were moved to the April 22 agenda, after Council discussed and finalized all the provisions: Item 13 (Res. #34-93/Ord #7-93 - First Reading/Establishing Chapter 43 - Amusement Devices), Item 14 (Res. #35-93/Ord. #8-93 - Amend Land Use - Various Sections - Amusement Arcades) and Item 15 (Res. #36-93/Ord. #9-93 (Amend Land Use - Section 84-74.3 - Amusement Arcades). Council asked that an economic impact analysis be done by administration when an ordinance comes before Council for consideration, so that Council can determine if they wish to proceed with considering such ordinance.

At 9:50 P.M., Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Council President Lichter, and the following resolution was passed on a roll call vote of 4 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 1st day of

April, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

The following Res. #66-93/Ord. #17-93 (First Reading - Amend Chapter 91 (Mobile Home Communities: Rent Control) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Broderick. Mr. Raffetto gave a recap, as to what provisions Council had decided to amend, based on case law. Chris Hanlon, Esq., representing the owner of Wickatunk Village, addressed the Council, asking that Council remove the provision requiring that license plate numbers be furnished, as this provision would apply to trailer parks, not mobile home parks. Council agreed to delete such provision. Mr. Hanlon stated that he and his client were satisfied with the provisions of the ordinance, except for the 5% cap. Council President Lichter called the question, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 66-93

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

ORDINANCE # 17-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 91 (MOBILE HOME COMMUNITIES: RENT  
CONTROL) OF THE "CODE OF THE TOWNSHIP OF MARLBORO,  
NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 17-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 91 (MOBILE HOME COMMUNITIES: RENT  
CONTROL) OF THE "CODE OF THE TOWNSHIP OF MARLBORO,  
NEW JERSEY."

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

1. Section 91-2 (Definitions) of Chapter 91 (Mobile Home Communities: Rent Control) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

BASE RENT - The gross rent for the mobile home pad or lot in effect on the effective date of this Chapter. Thereafter, "base rent" shall equal this charge as is lawfully increased in conformance with the provisions of Section 91-5 (Automatic Increase Provisions) of this Chapter. Base rent shall not include tax and cost passthroughs pursuant to Section 91-10, rental increase applications pursuant to Section 91-12 and capital improvements pursuant to Section 91-13.

2. Section 91-5 (Automatic Increase Provisions) of Chapter 91 (Mobile Home Communities: Rent Control) of the "Code of the Township of Marlboro, New Jersey" is hereby amended to change subsection 91-5A as follows:

A. Calculation of allowable automatic increase. At the expiration of a lease or at the termination of the lease of a periodic tenant, the landlord may request and receive from the tenant a percentage rental increase equal to the difference between the Consumer Price Index (CPI) for the New York - Northeast New Jersey - U Region not less than one hundred twenty (120) days prior to the proposed date of implementation of the rent increase and the Consumer Price Index one hundred twenty (120) days prior to the date of the last Consumer Price Index increase, not to exceed a maximum of five percent (5%). The percentage of allowable increase calculated hereunder shall be applied to the tenant's existing rental-charge base rent.

3. Section 91-5 (Automatic Increase Provisions) of Chapter 91 (Mobile Home Communities: Rent Control) of the "Code of the Township of Marlboro, New Jersey" is hereby further amended to change subsection 91-5C(7) as follows:

(7) The landlord must simultaneously certify that he or she is in full compliance with all applicable building, maintenance, and housing codes.

4. Section 91-10 (Tax and Cost Passthroughs) of Chapter 91 (Mobile Home Communities: Rent Control) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

A landlord shall be entitled to collect from each tenant

the proportionate share per pad or space of any increase in real estate taxes, state licenses, municipal licenses, municipal pad fees and utilities, if the utilities are provided or paid for by the landlord. The proportionate share shall be equal to the increase divided by the total number of occupied pads or spaces in the mobile home community. A landlord's entitlement to the collection of this amount shall be automatic where written notice is served upon the tenants at lease thirty (30) days prior to the anticipated date of collection of this amount, and where no objections have been filed with the Rent Board within this time period by any tenants. If such an objection is timely filed, the aggrieved tenant(s) shall be entitled to a hearing and the procedure governing same shall be similar to that contained in subsection 91-5D (Automatic Increase Provisions) of this Chapter.

5. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

6. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #67-93/Ord. #18-93 (First Reading - Establishing Chapter 92 - Mobile Home Communities: Licensing and Maintenance) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 67-93

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

ORDINANCE # 18-93

AN ORDINANCE ESTABLISHING CHAPTER 92  
(MOBILE HOME COMMUNITIES: LICENSING AND  
MAINTENANCE) OF THE "CODE OF THE TOWNSHIP OF  
MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 22, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 18-93

AN ORDINANCE ESTABLISHING CHAPTER 92  
(MOBILE HOME COMMUNITIES: LICENSING AND  
MAINTENANCE) OF THE "CODE OF THE TOWNSHIP OF  
MARLBORO, NEW JERSEY."

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

1. Chapter 92 (Mobile Home Communities: Licensing and Maintenance) of the "Code of the Township of Marlboro" is hereby established as follows:

Chapter 92

MOBILE HOME COMMUNITIES:  
LICENSING AND MAINTENANCE

Section 92-1. Definitions.

As used in this Chapter, the terms "Mobile Home" and "Mobile Home Park" shall have the same meanings as provided in Section 84-4 of this Code.

Section 92-2. Maintenance.

It is hereby made to be the duty of the attendant in charge of the mobile home park together with the park owner to:

- A. Keep all service buildings, office building(s), roadways, walkways and common grounds of the park maintained in good repair, and free of debris, weeds and brush (other than that necessary for required buffer areas), snow, standing water, health and safety hazards, obstructions and in a sightly condition.
- B. Keep all water, sewer and electrical lines and their connections and equipment in good and safe operable condition, as well as shield them from the elements.
- C. Notify residents in writing of any violations of unit owner responsibility promptly upon receipt from any code enforcement official or agency.
- D. Distribute or post as required all official notices or correspondences received by the management pertaining to residents' responsibilities or rights on a bulletin board outside of the office building which shall be convenient to all tenants.
- E. Maintain the park in an orderly manner.

- F. Maintain regular posted office hours, a responsible authorized agent in charge and an emergency telephone number to be accessible to residents after office hours.

Section 92-3. Applicability of Building, Plumbing and Other Regulations.

All building, plumbing, electrical, and other work on or at any mobile home park licensed hereunder shall be in accordance with this Code and Township ordinances regulating such work, unless they are specifically made inapplicable under the terms of the Chapter, and shall be approved by the Township Building Inspector or any other duly designated officer, agent or employee of the Township and the Fire Commissioner of the district where the park is located.

Section 92-4. Licenses for Mobile Home Par#s.

A. Required.

- (1) No person shall establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him or her, a mobile home park within the limits of the Township without having first secured a license therefor from the Township Clerk in compliance with the terms of this section.
- (2) Such license shall expire one year from the date of issuance and may be renewed under the provisions of this Section for additional periods of one year.

B. Application Requirements.

- (1) Application form. The application for such license or the renewal thereof shall be made on printed forms furnished by the Township Clerk and shall include the name and address of the owner in fee of the tract and such description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application or renewal thereof shall be filed with the Township Clerk on or before January 10 of each year and shall be accompanied by a fee of one hundred dollars (\$100.00) for the first twenty-five (25) mobile home units in the park and the sum of one hundred dollars (\$100.00) for each twenty-five mobile home units or part thereof in excess of the first twenty-five. In addition to this amount, the applicant shall be required to post the appropriate fee pursuant to Section 92-8 of this Chapter. In the case of an application for less than (1) year, the license fee shall be pro-rated by quarters and the fee shall be paid for each quarter

or fraction thereof during which the park will be conducted. If the fee is vested in some person other than the applicant, the application shall include a duly verified affidavit by that person that the applicant is authorized by him or her to construct or maintain the mobile home park and make the application.

- (2) Additional Required Information. The application for any new park or any existing park that has not already filed same with the Township shall be accompanied by four (4) copies of a plan or sketch showing the following, either existing or as proposed:
- (a) The extent and area of the total premises used for mobile home park purposes.
  - (b) Roadways and driveways.
  - (c) Location, dimensions and area of each mobile home pad.
  - (d) Location and dimensions of each mobile home existing on each mobile home pad.
  - (e) Method and plan of sewage disposal.
  - (f) Method and plan of garbage removal.
  - (g) Method and plan for potable water supply.
  - (h) Method and plan for electrical lighting of the mobile home park and the mobile homes located or to be located thereon. If such a plan or sketch has already been filed with the Township for any existing park, the applicant need not supply revised plans or sketches in order to be in compliance with this Ordinance unless, in the opinion of the Rent Control Board, a substantial change has been undertaken concerning any of the above items within the previous calendar year. In such cases, the applicant shall, upon renewal, submit four (4) copies of a revised plan or sketch indicating only those areas of the park or items above which differ from the plan or sketch initially filed. The intent of this provision is to assure that, at any given point in time, the filed plans or sketches shall remain current.

- (3) Investigation; Construction Code Official; Board of Health. At the time of the initial application for a license for a mobile home park or at the time of renewal of same, the Township Clerk shall refer the application to the Township Construction Code Official, who shall cause an investigation to be undertaken of the premises for compliance with all pertinent ordinances of the Township as well as all applicable Codes. In doing so, the Construction Code Official shall forward one (1) copy of the application and accompanying data, if any, to the Board of Health. Upon receipt of same, the Board of Health shall investigate the premises in order to determine compliance with applicable ordinances and regulations and to make recommendations within the area of its expertise. The Board of Health shall, within twenty (20) days of receipt of the application and accompanying data, forward its findings and recommendations thereon to the Construction Code Official. The Construction Code Official shall thereafter make a determination upon the application within thirty (30) days of its initial receipt. If the Construction Code Official fails to render a decision upon the application within this thirty (30) day period, the license shall be granted unless the Construction Code Official informs the applicant in writing during this period as to the reason(s) for the delay. In the intervening period, no summons shall be issued to any mobile home owner for operating a mobile home park without a license.

C. Granting of License. If, after the investigation, the Construction Code Official shall find that there has been compliance with this section and all other applicable ordinances of the Township, he or she shall grant the license to the applicant. In such cases, the Construction Code Official shall provide one (1) copy of the license to the Rent Control Board and one (1) copy of the license to the Township Clerk for filing with the initial application and accompanying data. The Construction Code Official shall retain one (1) copy of the license for his or her files.

D. Conditional License. In the event there shall be one or more subjects of noncompliance with this section, other pertinent ordinances of the Township or ordinances of the Board of Health, the Construction Code official may, in his or her discretion, issue a conditional license for a three (3) month period during which the applicant may remedy the subject(s) of noncompliance which shall be specified in the conditional license. After issuing such license, the Construction Code Official shall provide one (1) copy of the same to the Rent Control Board and one (1) copy to the Township Clerk for filing along with the initial application and accompanying data. The Construction Code Official shall retain one (1) copy of the license for his or her files. In the event that the

item(s) of noncompliance are not satisfied within the three (3) month period, then the applicant shall be subject to a fine of two hundred fifty dollars (\$250.00) per month for each additional month of noncompliance.

**Section 92-5. Denial or Revocation of License.**

The Construction Code Official is hereby authorized to deny or revoke any license issued pursuant to the terms of this section if, after the investigation, he or she determines the holder thereof:

- (a) Has violated or failed to satisfy any of the provisions of this Chapter.
- (b) Has failed to remedy any areas of noncompliance within the period specified in any conditional license.
- (c) Is maintaining any mobile home or mobile home park in an unsafe manner or as a nuisance pursuant to all applicable State, county and local codes.

In the case of a denial, the Construction Code Official shall be directed to return the fee deposited with the application to the applicant along with a written explanation as to the reasons for the denial. One (1) copy of the Construction Code Official's report shall be forwarded to the Rent Control Board and one (1) copy shall be forwarded to the Township Clerk for filing along with the initial application and accompanying data. The Construction Code Official shall retain one (1) copy of the report for his or her files.

In the case of a revocation, the Construction Code Official shall inform the licensee in writing of his or her determination, particularly specifying the reasons therefor. One (1) copy of this written report shall be forwarded to the Rent Control Board and one (1) copy shall be forwarded to the Township Clerk for filing. The Construction Code Official shall retain one (1) copy of the report for his or her files.

**Section 92-6. Hearing on Granting, Denial, Renewal or Revocation of License.**

Any person aggrieved by a decision of the Township Construction Code Official granting, denying, renewing or revoking a license of a mobile home park under this section may file a written request for a hearing before the Township Council within ten (10) days after the issuance of such decision. The Township Council shall give notice of a public hearing upon this request to be held not more than twenty (20) days after receipt of the request. At such hearing, the Township Council shall determine whether the action taken was in accordance with the provisions of this section, and all persons interested shall be given an opportunity to be heard concerning same.

#### Section 92-7. Period of License.

Licenses issued pursuant to the provisions of this section shall be effective for the period of one (1) year, commencing January, 1994 and shall be effective for a period of one (1) year, expiring on December 31.

#### Section 92-8. Additional Requirements.

- A. Quarterly report as to number of mobile home unit spaces occupied. Upon the issuance of a license to operate a mobile home part, the licensee shall, on or before the tenth day of January, April, July and October of each year, file with the Township Clerk on a form furnished by the Clerk a return under oath stating the number of mobile home unit spaces occupied by the mobile homes in his or her mobile home park during each of the preceding three (3) calendar months and the name and address of each mobile home owner.
- B. Fee. At the time of filing the above return, the licensee shall pay to the Township Clerk the sum of two dollars (\$2.00) per week for each mobile home unit space which is shown by the report to be occupied by a mobile home unit. This fee shall represent a part of the license fee to be paid by the licensee operating the mobile home park and failure to make the return and/or to pay such additional part of the license fee shall constitute a violation of this ordinance. In addition to the penalties imposed herein the said license may be revoked by the Construction Code Official as provided herein.

If on January 10 of any year the return is not made for the preceding calendar months, which would be the last three (3) months of the previous year, and the payment required therefor is not paid, then such failure shall constitute a violation of the then existing license the same as though the license fee so required to be paid were a part of the year for which the license is issued.

The fee for a transfer of any license shall be five dollars (\$5.00).

#### Section 92-9. Violations and Penalties.

Any person found guilty of violating any provision of this section shall be fined not more than five hundred dollars (\$500.00) by appropriate proceedings in a Municipal Court in the Township. Every day such violation shall continue shall constitute a separate and distinct offense. In the event that any violation shall continue for a period of five (5) days or more, appropriate injunctive relief may be sought in a Court of competent jurisdiction restraining and enjoining such continued violation.

2. All other ordinances or parts of ordinances inconsistent herewith repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

Action was taken on Item 18 (Res. #71-93 - Expressing Dissatisfaction with Monmouth Cablevision), which was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 71-93

RESOLUTION EXPRESSING THE DISSATISFACTION OF THE TOWNSHIP OF MARLBORO WITH THE RATES AND SERVICE OF ITS CURRENT CABLE OPERATOR, MONMOUTH CABLEVISION ASSOCIATES

WHEREAS, the Township of Marlboro did not have involvement in and pertaining to the court decision awarding Monmouth Cablevision Associate's the initial franchise to provide cable television service to the residents of Marlboro; and

WHEREAS, on September 19, 1983, the Board of Public Utilities issued a Certificate of Approval to Monmouth Cablevision Associates, docket # 801C-6632; and

WHEREAS, in the course of proceedings begun in 1979, the Township neither concluded a hearing nor did it reach a decision regarding the issuance of a municipal consent ie. cable franchise; and

WHEREAS, the outcome of the matter was decided in hearings at the Office of Administrative Law; and

WHEREAS, no franchise period was designated due to absence of a municipal consent from the Township of Marlboro, The Board of Public Utilities upon the recommendation of the Office of Cable Television established an initial franchise for a period of ten (10) years along with an amendment to the certificate of approval providing for an initial period of from ten (10) to fifteen (15) years, dated 11/07/83; and

WHEREAS, automatic renewal provisions are permitted only to those CATV companies holding a municipal consent containing such a provision; and

WHEREAS, no consent from The Township of Marlboro exists and the franchise expiration date is 11/03/98 based upon the absence of municipal consent; and

WHEREAS, Congress saw the need to enact the Cable Television Consumer Protection and Competition Act of 1992 to protect consumers; and

WHEREAS, the Act of 1992 expresses a strong desire to stimulate competition; and

WHEREAS, the residents of the Township of Marlboro have been continuously subject to rate increases by the operator, Monmouth Cablevision, whose latest increase in Basic Service went from \$21.50 to \$25.00, nearly 9%, following a tradition of ever increasing rates; and

WHEREAS, the residents of the Township of Marlboro have complained of the poor service of the operator, Monmouth Cablevision Associate's; and

WHEREAS, the residents of the Township of Marlboro are required to expend additional sums and purchase additional equipment in order to fully access the cable channels available through Monmouth Cablevision Associate's; and

WHEREAS, the television directory supplied by Monmouth Cablevision has increased to an excessive cost, far above that expected by residents of the Township of Marlboro when the operator was granted a franchise to provide services as cable operator.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Marlboro that it does hereby express its profound dissatisfaction with the current rates and service of Monmouth Cablevision.

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

- a. the Operator - Monmouth Cablevision
- b. Celeste M. Fasone, Director  
Office of Cable Television  
State of New Jersey Board of Regulatory Commissioners  
2 Gateway Center  
Newark, New Jersey 07102
- c. Edward Salmon, President  
State of New Jersey Board of Public Utilities
- d. Carmen Armenti, Commissioner  
State of New Jersey Board of Public Utilities
- e. Jeremiah O'Connor  
State of New Jersey Board of Public Utilities

Item 19 (Res. - WMUA Tax Assessment) was discussed by Council. Council asked for Mr. Cleary, Attorney for the WMUA, for information on the parcel of land, as to whether it is usable and whether it might be available for the Township's use. Mr. Cleary informed Council that the WMUA tried to sell the parcel at public sale on several occasions, without success, for approximately \$100,000, but he was not sure of the exact location. Council asked that Mr. Cleary provide them with more information. This resolution was moved to the April 22 agenda. Council President Lichter asked that the possible acquisition of this property be discussed at the May 13 workshop.

Item 20 (Res. - Authorizing the Conveyance from Marlboro Twp. to County of Monmouth - Intersection Route 520 & Wyncrest Road) was moved to the April 22 agenda, for a First Reading of the ordinance.

Item 21 (Res. - Bond Reduction - Bear Brook Commons) was moved to the April 22 agenda.

Item 22 (Res. - Redemption Tax Sale Certificates - Various) was moved to the April 22 agenda.

Item 23 (Res. - Raffle License Collier Services/Sisters of the Good Shepherd) was moved to the April 22 agenda.

Good & Welfare - Council President Lichter informed Council that Budget discussions will be held on April 19 & 26. On April 29th, a "special closed" meeting will be held with the residents of the Buckley Road area, as this is a matter of anticipated litigation. Also, the May 10th, Open Town Meeting will be held at Marlboro Elementary School at 8 PM. Council President Lichter stated that an item had come in from the Library Board, requesting a Council resolution changing the deed description with Gordons Corner Road. This resolution was moved to the April 22 agenda. Council President Lichter asked that Council check their calendars, for the possibility of changing the June 10 meeting to June 17, because of the primary election. Council President Lichter also brought to Council's attention that the library will need an amendment to a previous bond ordinance, to allow for additional moneys for professional fees (architect). Council will take action on this amendment to the bond ordinance, when it is received by Bond Counsel. Mayor Scannapieco informed Council that both Bond Counsel and Auditor Terence O'Neill have stated that the fee can be paid to the architect, pending amendment of the ordinance. Business Administrator Bob Albertson informed Council that he has applied for several grants, one for electronic supplies and telephones, an operation center and a public information center for \$90,000, an application for \$5,000 for a piece to be distributed

to each family explaining procedures in case of emergency, and also a grant for \$400,000 for the community center. He will inform Council as to the outcome. Mayor Scannapieco asked that the Township Attorney prepare a draft ordinance to amend the cluster zoning provisions to allow for the township to use some of this property for municipal purposes. This will be discussed at the May 13 workshop.

At 10:40 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman

MINUTES APPROVED: *May 27, 1993*

OFFERED BY: *Gurtman*

AYES: *5*

SECONDED BY: *Brodenski*

NAYS: *0*

*Evelyn D. Piccolini*

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichten*

HERBERT LICHTEN  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

April 22, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on April 22, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter.  
Council Vice President Gurtman was absent.

Also present were: Mayor Scannapieco, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Council President Lichter asked that a moment of silence be observed in memory of Adam Strassler, and expressed his condolences on behalf of the Council.

Citizen's Voice - Michael Toubin - owner of Rite Packaging & the Grosso Building - brought to the Mayor and Council's attention a problem he is having with getting the permits for replacement of his sign at the Grosso Building. The Mayor asked Mr. Toubin to office, to get the necessary information in order to check into this matter with the Zoning Dept. Council asked to be informed of the outcome. Walter Korbiak - Crine Road, Marlboro - asked that Council reevaluate their ordinances to allow fencing along certain easements. He also asked that Council look into reducing some of the fees involved, as they are quite costly. Council will refer his requests to the Zoning Board, and will then act on their recommendations.

Council Speaks Out - Councilman Broderick expressed his disappointment that First Fidelity Bank will contribute only \$250 toward the Concert Series, after having committed to support this series. He felt that they should have been more generous considering the amount of business the township conducts with them. Councilman Carpiano asked the Mayor for more information on the upcoming Mayor's Ball, which Mayor Scannapieco responded to. Council President Lichter announced the "Open Town Meeting" at 8 PM

on May 10, 1993 at Marlboro Elementary School.

Councilman Carpiano moved that the minutes of March 11 and 25, 1993 be approved. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

The following Resolution #96-93/Ord. #11-93 (Amend Land Use - Alternate Member Planning Board) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #11-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 96-93

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

ORDINANCE # 11-93

AN ORDINANCE AMENDING SUBSECTION 84-9A(3)(C) (ALTERNATE MEMBERS OF THE PLANNING BOARD) OF ARTICLE II (LAND USE PROCEDURES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

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

The following Resolution #97-93/Ord. #12-93 (Speed Limit Harbor Road) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #12-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 97-93

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

ORDINANCE # 12-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-55 (SCHEDULE XVIII: SPEED LIMITS) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #98-93/Ord. #13-93 (Restricted Parking Millay Road) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #13-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 98-93

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

ORDINANCE # 13-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-39 (SCHEDULE II: NO PARKING CERTAIN HOURS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #99-93/Ord. #14-93 (Title 39 - The Mart Parking Lot) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #14-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 99-93

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

ORDINANCE # 14-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-47 (ADDITIONAL PARKING AND TRAFFIC REGULATIONS) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #100-93/Ord. #15-93 (Closing of Street for Health, Safety and Welfare) was introduced by reference, offered by

Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #15-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #100-93

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

ORDINANCE # 15-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY" TO ESTABLISH ARTICLE XVI (EMERGENCY STREET CLOSING)

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

The following Resolution #101-93/Ord. #16-93 (No Passing Zones - Wyncrest Rd., Topanemus Rd.) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #16-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 101-93

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

ORDINANCE # 16-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-57 (SCHEDULE XX: NO-PASSING ZONES) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #102-93/Ord. #17-93 (Mobile Home Communities: Rent Control) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #17-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 102-93

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

ORDINANCE # 17-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 91 (MOBILE HOME COMMUNITIES: RENT  
CONTROL) OF THE "CODE OF THE TOWNSHIP OF MARLBORO,  
NEW JERSEY."

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

The following Resolution #103-93/Ord. #18-93 (Mobile Home Communities: Licensing) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #18-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 103-93

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

ORDINANCE # 18-93

AN ORDINANCE ESTABLISHING CHAPTER 92  
(MOBILE HOME COMMUNITIES: LICENSING AND  
MAINTENANCE) OF THE "CODE OF THE TOWNSHIP OF  
MARLBORO, NEW JERSEY."

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

The following Res. #104-93\Ord.#19-93 (Amend Site Triangle Provisions) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #19-93. As there was no one who wished to speak, the Public Hearing was closed. Councilman Broderick asked the Attorney if a previously constructed driveway would be "grandfathered," so that a resident would not be made to move the driveway. The Attorney stated that anything constructed prior to this ordinance becoming law would be "grandfathered." As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 104-93

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

ORDINANCE # 19-93

AN ORDINANCE AMENDING SECTION 84-139 (SITE TRIANGLES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #105-93/Ord. #20-93 (Amend Chapter 36 and Section 4-34 - Utility Authorities) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #20-93. As there was no one who wished to speak, the Public Hearing was closed. Councilman Carpiano moved that the language in Paragraph I on the second page be changed so that it is identical to the language in Paragraph 3, page 3, to read as follows: "except that no person who is simultaneously serving as a member of the Municipal Governing Body of the Township of Marlboro may be appointed to serve as a member of the Marlboro Township Municipal Utilities Authority." It was the Attorney's opinion, that the change was de minimis, and therefore could be made on second reading without having to republish the ordinance. Motion to amend the ordinance was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot on Ord. #20-93, as amended.

RESOLUTION # 105-93

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

ORDINANCE # 20-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 36 (UTILITIES AUTHORITIES) AND CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Res. #34-93/Ord. #7-93 (Establishing Chapter 43 - Amusement Devices) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and passed on a roll call vote of 3 - 1 in favor, with Councilman Broderick voting no. Absent: Gurtman.

RESOLUTION # 34-93

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

ORDINANCE # 7-93

AN ORDINANCE ESTABLISHING CHAPTER 43  
(AMUSEMENT DEVICES) OF THE "CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 7-93

AN ORDINANCE ESTABLISHING CHAPTER 43  
(AMUSEMENT DEVICES) OF THE CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Chapter 43 (Amusement Devices) of the "Code of the Township of Marlboro, New Jersey" is hereby established as follows:

## Chapter 43

## AMUSEMENT DEVICES

## Section 43-1. Purpose and Objective.

The purpose of this ordinance is to regulate and control all mechanical and electronic amusement devices within the Township of Marlboro and to provide a licensing scheme governing those individuals or entities who supply or keep such devices for the purpose of making a profit.

The objective of this ordinance is to prevent nuisances to patrons and the public, fire hazards from overcrowding, poor ingress and egress, the promotion of gambling, loitering or the creation of an unhealthy atmosphere for the residents of the community or other foreseeable undesirable effects arising from the use of mechanical and electronic amusement devices.

## Section 43-2. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

**MECHANICAL OR ELECTRONIC AMUSEMENT DEVICE** - Any machine which, upon the insertion of a coin, slug, token plate or disc or operated for any other consideration, may be operated by the public for entertainment or amusement, whether or not the machine registers scores or tallies. Examples of mechanical or electronic amusement devices include pinball machines, coin operated pool tables, bowling machines, mechanical grab machines, skee-ball, pokerino machines, video games or other video type computer machines, jukeboxes and similar devices. This enumeration is intended to be typical and shall not be construed as exclusive. "Kiddie rides" shall not be considered a mechanical or electronic amusement device for the purpose of this Chapter. A "kiddie ride" is a coin-operated machine which is sat upon or in and causes a certain motor or gyration following the insertion of a coin and is designated primarily for use by children under the age of ten (10).

**JUKEBOX** - Any machine which is kept in a public or quasi-public place and which is intended to play music for the entertainment of the general public upon the insertion of a coin or other consideration.

**DISTRIBUTOR** - Any person or entity who supplies any mechanical or electronic amusement device to another for use in his premises, whether under lease or any similar arrangement.

**OPERATOR** - Any person or entity in whose premises a mechanical or electronic amusement device is placed or kept for operation by the public.

**PUBLIC OR QUASI-PUBLIC PLACE** - Any building, store, marketplace, club, tavern, inn, cocktail lounge, restaurant, hotel or other premises wherein the public is expressly or impliedly invited or may enter.

#### Section 43-3. License Required; Exemptions.

- A. License Required. No person or entity shall distribute or operate a mechanical or electronic amusement device within the Township of Marlboro without having first obtained a license and paid the required license fee as set forth herein.

- (1) No mechanical or electronic amusement device shall be placed, maintained, operated or used in any public or quasi-public place within the Municipal limits of the Township without the distributor having first obtained a valid distributor's license and the proprietor or the owner-proprietor thereof having first obtained a valid operator's license as set forth herein.

- (2) No distributor shall place any mechanical or electronic amusement device with any unlicensed operator, nor shall any operator receive any such device from any unlicensed distributor.

- B. Exemptions. The license requirements of this ordinance shall not apply to the Township of Marlboro nor to any non-profit organizations, such as civic, fraternal or vocational organizations.

#### Section 43-4. Fees.

The following fees shall be charged on an annual basis and are to be paid at the time that the application is received by the Business Administrator. The annual fee shall be paid to the Business Administrator on or before February 1 of each calendar year and shall continue to January 31 of the following year. In the case of an application for less than one (1) year, the license fee shall be prorated by quarters and the fee shall be paid for each quarter or fraction thereof during which the business will be conducted.

- A. Distributors. Distributors shall be charged the following annual fee:
  - (1) Mechanical or electronic amusement devices: fifty dollars (\$50.00) per calendar year per distributor license.
  - (2) Jukeboxes: twenty-five (\$25.00) per calendar year per distributor license.
- B. Operators. Operators shall be charged the following fees:
  - (1) Mechanical or electronic amusement devices: one hundred dollars (\$100.00) for the first device at the operator's location per calendar year, and an additional thirty dollars (\$30.00) for each additional amusement device at the same location per calendar year.
  - (2) Jukeboxes: fifty dollars (\$50.00) per device per calendar year. Where, however, the operator's business is situated such that individual jukebox consoles are located on each or numerous table (s) within its premises, this fee shall only apply to the master unit.

#### 43.5. Application for License.

- A. All applications for any license hereunder shall be made and delivered to the Business Administrator on forms to be supplied for said purpose and shall be subscribed and

sworn to by the applicant, who must be at least eighteen (18) years of age.

- B. The application for the license shall contain the following:
- (1) The name and address of the applicant.
  - (2) The name and address of the owner of the premises, if different than (1).
  - (3) The name of the place or establishment where the mechanical or electronic amusement device is to be operated and the location of the same (operator license).
  - (4) The hours during which the mechanical or electronic amusement device is to be operated.
  - (5) The number and type of alcoholic beverage license associated with (3) above, where applicable (operator license).
  - (6) The number (operator license) and type (operator or distributor license) of mechanical or electronic amusement devices sought to be licensed.
  - (7) A description of each device sought to be licensed, including the name of manufacturer, model number and serial number (operator license).
  - (8) The name and address of the person from whom each device is to be purchased, rented or otherwise obtained (operator license).
  - (9) Information indicating whether the applicant has ever been convicted of any crime or found guilty of the violation of any ordinance pertaining to gambling or gaming.
  - (10) Any other information which the Township government may deem reasonably necessary and proper for the full protection of the interest of the patrons or the public.

43-6. Inspection: Issuance of License.

- A. Upon receipt of the application, the Business Administrator shall refer the original application to the Chief of Police and copies thereof to the Zoning Officer, Code Enforcement Officer and Fire Official. Thereupon, the Chief of Police or his designee shall cause an investigation to be undertaken into the character, moral turpitude and fitness of the applicant and shall

file an investigative report incorporating the findings made and recommendation thereon with the Business Administrator within thirty (30) days of referral.

- B. In the case of an application for an operator license, the Zoning Officer or Code Enforcement Officer may, during the said investigatorial period, make an investigation of the premises and of the applicant to determine the truth of the facts set forth in the application as well as compliance with all applicable code provisions. In addition, the Fire Official, or his designee, may inspect the premises to determine whether said premises comply with existing fire regulations of the Township. The Zoning Officer, Code Enforcement Officer and Fire Official may, upon completion of their inspections, attach to said application their reports thereon in writing and deliver same to the Business Administrator within the same time period.
- C. Upon receipt of said application and inspection reports, if any, the Business Administrator shall thereafter render a decision upon the application within (10) days. If the application is approved, the Business Administrator shall issue the license. Upon disapproval, the Business Administrator shall be directed to return the fee deposited with the application to the applicant along with a written explanation as to the reasons for the denial. Upon completion, the Business Administrator shall file the application after making notation upon it of the action taken.
- D. If approval for the license is granted, the Zoning Officer, Code Enforcement Officer and Fire Official may continue to make periodic inspections of the premises in which the licensed device(s) is/are located in order to assure compliance with all applicable code provisions.

Section 43-7. Number of Devices Permitted and Location Restrictions.

- A. No more than two (2) mechanical or electronic amusement devices shall be permitted to be licensed and operated for the first three thousand (3,000) square feet of any one place of business as calculated within the principal building wherein that business is conducted. A license may be issued for an additional one machine for every one thousand (1,000) square feet in excess of the first three thousand (3,000) square feet; provided, however, that no more than four (4) machines shall be permitted at any one (1) location unless the same is designated as an "Amusement Arcade" as defined in Section 84-4 of this Code and is permitted under the applicable zoning ordinance. Where more than one (1) commercial use or

industry is conducted in any one (1) building or in attached buildings on the same property, the square footage for the purposes of this subsection shall be calculated on a per-use basis. Jukeboxes shall not be counted in the determination of the original two (2) mechanical or electronic amusement devices.

Section 43-8. General Regulations.

The following regulations shall apply to all mechanical or electronic amusement devices:

- A. The premises upon which mechanical or electronic amusement devices are located shall be arranged so as to permit a clear view of each mechanical or electronic amusement device from the exterior at all times, subject to the following requirements:
- (1) Each device shall be located at least ten (10) feet from the entrance way to the premises in which located and placed so that it does not obstruct or interfere with the free and unfettered passage to and from the premises of patrons or users of the premises.
  - (2) Each device shall have an unobstructed perimeter zone or distance of four (4) feet around the sides of the three (3) linear borders of said device wherein the users of said device may use, watch or wait to use said device. The area which is required hereunder for each such machine shall not be encroached upon by the area of any other machine. It is the intent of this ordinance that, for purposes of preventing overcrowding and assuring safe passage of the general public, each machine shall have its own unobstructed perimeter zone.
  - (3) The licensee shall at all times control the sound so as not to cause disturbance or nuisances to others in the vicinity of the machine. The licensee shall at all times place the machine so that the part of the machine from which the sound emits shall not be within ten (10) feet of the front entrance of the place of business and shall not at any time place a jukebox or other music machine so that the sound is disturbing to the public in the streets or other persons occupying a building in the immediate vicinity.
- B. No operation of any mechanical or electronic amusement devices shall be permitted between the hours of 2:00 a.m. and 7:00 a.m. where such facility is located within 200 feet of any

residential use or residential district, however, the hours of operation shall not be earlier than 7:00 a.m. nor later than 11:00 p.m. on Sundays through Thursdays and not later than 12:00 midnight on Fridays or Saturdays.

- C. No operator shall knowingly permit any person convicted of a crime involving moral turpitude to be associated with him in the ownership or management of the business or to be in his employ or to loiter on the premises.
- D. No operator shall offer or permit to be offered any prizes or awards, whether in cash or otherwise, as an inducement to use mechanical or electronic amusement devices, except for trophies, plaques or items of a similar nature of nominal value.
- E. No operator shall permit any minor under sixteen (16) years of age, unaccompanied by a parent or guardian, to remain on the premises after 10:00 p.m.
- F. No person under sixteen (16) years of age shall be permitted to play or operate any of the mechanical or electronic amusement devices licensed between the hours of 8:00 a.m. and 3:00 p.m. during regular school days unless that person is accompanied by his parent or guardian or other supervised adult over the age of twenty-one (21) years of age. Any licensee governed by this Chapter, or his agents, servants or employees, who shall permit a person under the age of sixteen (16) years of age to operate any machine or device during the prohibited hours shall be deemed to be guilty of a violation of this section and shall post on the licensed premises a notice setting forth the prohibition provided for as set forth above. Failure to post or maintain the posting of the notice shall be grounds for the revocation of the license granted or grounds for the refusal to renew or grant a license with the operation of any machines or devices as set forth in this ordinance.
- G. There shall be conspicuously displayed on the premises six (6") inches in height a notice stating the prohibited hours of operation and the rules with regard to minors as set forth above.
- H. No operator shall permit any activity which is illegal or immoral or which creates an undue amount of noise or a danger of a breach of the peace to occur on the premises.

- I. During the hours of operation, the premises must be supervised at all times by at least one (1) responsible adult individual who shall be an employee of the owner or operator of the premises and who shall be responsible for the supervision, maintenance and operation of the premises. At least one (1) such person shall be visibly present on the premises during all hours of operation.
- J. No operator shall permit any person using a mechanical or electronic amusement device to operate the same for any gambling purpose prohibited by law. In the event that it is determined judicially or by admission of the operator that any mechanical or electronic amusement device is being operated as a gambling device, the machine may be confiscated and destroyed or sold at an auction, and the license of the operator may be revoked after a hearing.
- K. Every mechanical or electronic amusement device required to be licensed under this ordinance shall have permanently affixed thereto an individual identification number or serial number, which number shall not be transferable from one machine to another.

Section 43-9. Term, Transferability and Renewal of Licenses.

- A. All licenses issued under this ordinance shall be for a term of one (1) year, commencing on February 1 and expiring on January 31.
- B. A license may be transferred from one (1) machine to another by giving notice to the Business Administrator to that effect and giving a description of the new machine, including manufacturer, distributor, model number and serial number. The new machine shall be noted upon the original license issued. A license may be transferred from one place to another by giving notice to the Business Administrator to that effect and supplying the required information as to the new premises. The required notice shall set forth all information required under Section 43-5 of this Chapter.
- C. A license shall be renewed by submission to the Business Administrator an application pursuant to Sections 43-4 and 43-5 of this Chapter not later than December 1.
- D. Any objections to the renewal of a license shall be filed with the Business Administrator. All objections shall be in writing and signed by the individual or entity making the objection. A hearing on the objection to renewal shall be held prior to January 31 of the year

of the application to renew. Notice of the hearing shall be published at least once in a newspaper circulating within the Township, not less than ten (10) days prior to the hearing. All hearings shall be conducted by the Township Council. If a majority of the Township Council determines that the operator has violated the terms and provisions of this ordinance and that such violations are likely to continue, then the operator's license shall not be renewed. In rendering its decision, the Township Council shall set forth, in writing, its findings of fact, conclusions and reasons therefor. A copy of its decision shall be sent to the operator and person or persons who filed objections within twenty (20) days of the hearing's conclusion. Any licensee shall be entitled to continue the operation of the licensed premises pending the decision of the Township Council.

- E. Each operator shall submit a complete listing of all licensed devices within its premises to the Township Code Enforcement Officer twice annually as follows:
- (1) At the time of license renewals;
  - (2) On August 1 of each year.

#### Section 43-10. Display of License.

- A. Each distributor licensee shall receive from the Business Administrator a license tag bearing the distributor license number thereof, the year, and any other pertinent information required by the Business Administrator. Such license tag shall be affixed to the device so licensed in such a manner as to be conspicuous and not transferable from one device to another.
- B. Each operator licensee shall receive from the Business Administrator a license card which shall contain the names of the distributor and the operator, the address where the device(s) are placed, the model number and serial number for each and every mechanical or electronic amusement device for which said license was issued, the year, the signature of the Business Administrator, and any other information deemed necessary and appropriate by the Business Administrator. Such license card shall be posted in a conspicuous place on the location for which the said license was granted.

#### Section 43-11. Hearing on Granting, Denial Suspension and/or Revocation of License.

- A. Appeal of Business Administrator's determination by Township Council. Any person aggrieved by a decision of the Business Administrator granting or denying a license

under this Chapter may file a written request for a hearing before the Township Council within ten (10) days after the issuance of such decision. The Township Council shall give notice of a public hearing upon the request to be held not more than twenty (20) days after receipt of the request. At such hearing, the Township Council shall determine whether the action taken was in accordance with this Chapter, and all persons interested shall be given an opportunity to be heard concerning same.

- B. Suspension or Revocation of License by Township Council. Once a license has been issued, the Township Council shall have the authority to suspend or revoke the license. This may be done only after a hearing, upon ten (10) days written notice to the licensee, which shall specify the charges upon which the proposed license suspension or revocation is based. At such hearing, the licensee and his or her attorney may be present and submit evidence in his or her defense. If a majority of the Township Council determines that the licensee has violated the terms and provisions of this ordinance or has performed any other act justifying the suspension or revocation of the license and that such violations are likely to continue, then the Council may order such suspension or revocation. If the license is revoked, the machine(2) may be confiscated and destroyed or sold at auction. In rendering its decision, the Township Council shall set forth in writing, its findings of fact, conclusions and reasons therefor. A copy of its decision shall be sent to the operator within twenty (20) days of the hearing's conclusion.

A license may be suspended or revoked by the Township Council for any of the following reasons:

- (1) A violation of any of the provisions of this ordinance.
- (2) False or incorrect material on the application or information furnished by the applicant.
- (3) A failure to maintain good and safe conduct on the premises.
- (4) A violation of the laws of the State of New Jersey or of other ordinances of the Township of Marlboro which, in the determination of the Township Council, justifies the revocation of the said license.
- (5) The device(s) result in gambling, obscene and/or loud language disturbing to the public or to other patrons of the premises or adjacent buildings, creating of a nuisance, excessive noise, litter, traffic or rowdiness by the patrons.

Section 43-12. Violations and Penalties.

Any person who violates any provision of this ordinance shall, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or both. Each day that a violation occurs or is committed shall constitute a separate offense.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect immediately upon final passage and publication according to the law.

The following Res. #35-93/Ord. #8-93 (Amend Land Use - Various Sections) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 35-93

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

ORDINANCE # 8-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 84 (LAND USE DEVELOPMENT AND  
REGULATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 8-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 84 (LAND USE DEVELOPMENT AND  
REGULATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

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

1. Section 84-4 (Definitions) of Chapter 84 (Land Use

Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following:

AMUSEMENT ARCADE - A commercial recreational use whose principal activity is the operation by the public of mechanical or electronic amusement devices within an enclosed structure. Establishments containing five (5) or more mechanical or electronic amusement devices shall be considered amusement arcades for the purpose of enforcing this ordinance.

2. Section 84-51 (C-2 Neighborhood Commercial District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

D. Conditional Uses. Uses requiring a conditional use permit are subject to the provisions of Article IV of this chapter:

- (1) Public utilities.
- (2) Motor vehicle service stations.
- (3) Amusement arcades.

3. Section 84-52 (C-3 Community Commercial District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

D. Conditional Uses. The following uses are conditional uses subject to the provisions of Article IV of this chapter:

- (1) Public utilities.
- (2) Motor vehicle service stations.
- (3) Motels.
- (4) Drive-in restaurants.
- (5) New car sales, service and showrooms.
- (6) Amusement arcades.

4. Section 84-53 (C-4 Regional Commercial District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

D. Conditional Uses. The following uses are conditional uses subject to the provisions of Article IV of this chapter:

- (1) Public utilities.

- (2) Motor vehicle service stations.
- (3) Motels.
- (4) Drive-in restaurants.
- (5) New car sales, service and showrooms.
- (6) Amusement arcades.

5. Section 84-54 (CIR Commercial - Industrial - Research District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

C. Conditional Uses. Uses requiring a conditional use permit are subject to the provisions of Article IV of this chapter:

- (1) Public utilities.
- (2) Shopping centers.
- (3) Amusement arcades.

6. Section 84-54.1 (IOR Industrial - Office - Research District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

C. Conditional Uses. uses requiring a conditional use permit are subject to the provisions of Article IV of this chapter:

- (1) Public utilities.
- (2) Amusement arcades.

7. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

8. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #36-93/Ord. #9-93 (Amend Land Use - Section 84-74.3 - Amusement Arcades) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 36-93

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

ORDINANCE # 9-93

AN ORDINANCE ESTABLISHING SECTION 84-74.3  
 (AMUSEMENT ARCADES) OF CHAPTER 84 (LAND  
 USE DEVELOPMENT AND REGULATIONS) OF THE  
 "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 9-93

AN ORDINANCE ESTABLISHING SECTION 84-74.3  
 (AMUSEMENT ARCADES) OF CHAPTER 84 (LAND  
 USE DEVELOPMENT AND REGULATIONS) OF THE  
 "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-74.3 (Amusement Arcades) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby established as follows:

Section 84-74.3. Amusement Arcades.

Amusement arcades may be permitted as conditional uses in the C-2, C-3, C-4, CIR and IOR zone districts provided that:

- A. The use shall comply with the licensing requirements of Chapter 43.
- B. Amusement arcades shall be located within one (1) building or attached buildings which are not less than 25,000 square feet gross floor area.
- C. Amusement arcade uses shall not exceed 25% of the overall building gross floor area.
- D. Off-street parking shall be provided at a ratio of one (1) parking space per 200 square feet of gross floor area devoted to amusement arcade uses.
- E. Hours of operation of any such facility located within 200 feet of any residential use or residential district

shall not be earlier than 7:00 a.m. nor later than 11:00 p.m., Sunday through Thursday and not earlier than 7:00 a.m. nor later than 12:00 midnight on Friday or Saturday.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #106-93/Ord. #21-93 (Establishing Chapter 11 - Emergency Service Benefits) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #106-93

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

ORDINANCE # 21-93

AN ORDINANCE ESTABLISHING CHAPTER 11 (EMERGENCY SERVICE BENEFITS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #21-93

AN ORDINANCE ESTABLISHING CHAPTER 11 (EMERGENCY SERVICE BENEFITS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

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

1. Chapter 11 (Emergency Service Benefits) of the "Code of the Township of Marlboro, New Jersey" is hereby established as follows:

CHAPTER 12  
EMERGENCY SERVICE BENEFITS

**SECTION 11-1. Purpose.**

The purpose of this Chapter is to establish an incentive program to increase enrollment in volunteer fire companies and first aid squads within the Township of Marlboro and to reward such volunteers for their tireless efforts and many hours spent to preserve and protect the health, safety, property and welfare of the residents of the Township of Marlboro, twenty-four (24) hours per day, three hundred sixty-five (365) days per year, without compensation.

**SECTION 11-2. Definitions.**

As used in this Chapter, the following words and phrases shall have the following meanings.

**MEMBER IN GOOD STANDING** - Any person who has been certified in writing by the Chief Executive Officer of a volunteer fire company or volunteer first aid squad within the Township of Marlboro to have served at least one (1) year of continuous volunteer service in the company or squad and to possess the necessary certification(s), license(s) and/or training required by the said company or squad.

**VOLUNTEER** - Any individual contributing services to a volunteer fire company or volunteer first aid squad within the Township of Marlboro without remuneration or without a formal agreement or contract for hire.

**VOLUNTEER SERVICE** - The required percentage of activity or participation to qualify as a bona fide member of a volunteer fire department or a volunteer first aid squad.

**SECTION 11-3. Qualification for Benefits.**

The provisions of this Chapter shall be limited solely to residents of the Township of Marlboro who are volunteers in any volunteer fire company or volunteer first aid squad within the Township and who are certified by the Chief Executive Officer of their respective volunteer organization as "members in good standing" of the said organization.

Such certification shall be filed annually, not later than January 15 with the Township Clerk by the Chief Executive Officer of each volunteer fire company or volunteer first aid squad. A new certification must be filed each year and the certification from the preceding year shall be null and void.

**SECTION 11-4. Benefits.**

Every member in good standing of a volunteer fire company or volunteer first aid squad who is performing volunteer service within the Township of Marlboro shall be entitled to the following benefits from the Township:

- A. Exemption from the payment of any Marlboro Township fees for Marlboro Township recreation activities, Township training programs, Township licenses and permit fees, fees for the use of Township buildings and facilities and Township programs up to a maximum of three hundred dollars (\$300.00) per year, provided the fee or charge is for the personal and non-profit use of such member in good standing. Where fees include monies payable to the State and/or County, only the municipal portion of said fees may be waived.

**SECTION 11-5. Procedure for Exemption; Coupon Books.**

- A. Identification Card. Every member in good standing of a volunteer fire company or volunteer first aid squad within the Township shall be issued an annual identification card from the Township Clerk within twenty (20) days after January 15, upon which shall be printed a serial number.
- B. Coupon Books. Within that time period, the Township Clerk shall provide a book of coupons to the said member, which shall be imprinted with the same serial number which appears upon the member's identification card. The said coupons may be presented, alone or in combination, by the member in order to exempt the member from any of the fees specified in Section 11-4, in the following manner:
- (1) At the time that the member seeks an exemption from fees, he or she shall present his or her coupon book to the appropriate authorized Township official or representative, who shall remove the requested coupons.
  - (2) The Township official or representative shall provide a receipt to the member for the amount of the exemption and thereafter forward the used coupon(s) to the Township Clerk for filing with a notation as to the date of use and exemption provided.
  - (3) Guest books and coupons are not transferable, and coupons may not be removed from the book by anyone other than an authorized Township official or representative. Coupons otherwise removed from the book shall be deemed void.
  - (4) Coupon books shall expire on December 31 of the year of issuance and any coupons not used as of that date shall be deemed void.

**SECTION 11-6. Enforcement.**

The Business Administrator of the Township is hereby authorized to enforce the provisions of this ordinance.

**SECTION 11-7. Violations and Penalties.**

Any person committing an offense against the provisions of this Chapter shall be guilty of a violation to be punished by a fine not to exceed three hundred dollars (\$300.00).

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. If any section of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other sections or applications of this ordinance which can be given effect without such invalid sections, to the extent such sections is severable.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #107-93/Ord. #22-93 (Authorizing Conveyance of a Portion of B. 253, L. 35 to Monmouth County) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman

RESOLUTION # 107-93

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

ORDINANCE # 22-93

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
A PORTION OF BLOCK 253, LOT 35 (INTERSECTION  
OF ROUTE 520 AND WYNCREST ROAD) FROM THE  
TOWNSHIP OF MARLBORO TO THE COUNTY OF  
MONMOUTH FOR PUBLIC PURPOSES.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 22-93

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
A PORTION OF BLOCK 253, LOT 35 (INTERSECTION  
OF ROUTE 520 AND WYNCREST ROAD) FROM THE  
TOWNSHIP OF MARLBORO TO THE COUNTY OF  
MONMOUTH FOR PUBLIC PURPOSES.

WHEREAS, N.J.S.A. 40A:12-13.4 provides that the governing body of a municipality may authorize the conveyance of all or a part of a municipal owned tract of land which is not otherwise needed for public purposes to the County in which it is located for public purposes of the County: and

WHEREAS, the Township of Marlboro is the record owner of Block 253, Lot 35 (intersection of Route 520 and Wyncrest Road) in the Township of Marlboro; and

WHEREAS, the governing body of the Township of Marlboro has determined that it is in the best interests of the residents of the Township of Marlboro to convey a portion of the said property to the County of Monmouth for the public purpose of installing and maintaining a traffic signal pole and ground signal box at the said area; and

WHEREAS, the portion of the said property which shall be conveyed is more particularly described in the metes and bounds description which is attached hereto and made a part hereof and depicted on the map which is attached hereto and made a part hereof.\*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Clerk to attest a Deed conveying a portion of Block 253, Lot 35, as more particularly described in the metes and bounds description and depicted on the map attached hereto, to the County of Monmouth for public purposes of the County.

2. That if the said property ceases to be utilized for public purposes of the County, title thereto shall revert to the Township of Marlboro without any entry or reentry made thereon on behalf of the municipality.

3. That a certified copy of this ordinance shall be posted in the municipal building.

4. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

\*Copies of attached material to be found in regular minute book in Clerk's office.

5. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #108-93/Ord. #23-93 (Authorizing Leasing of Certain Capital Equipment from Monmouth County Improvement Authority) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #108-93

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

ORDINANCE # 23-93

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN  
CAPITAL EQUIPMENT BY THE TOWNSHIP OF  
MARLBORO, NEW JERSEY, FROM THE MONMOUTH  
COUNTY IMPROVEMENT AUTHORITY AND THE  
EXECUTION OF A LEASE AND AGREEMENT RELATING  
THERETO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 27, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 23-93

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN  
CAPITAL EQUIPMENT BY THE TOWNSHIP OF  
MARLBORO, NEW JERSEY FROM THE MONMOUTH  
COUNTY IMPROVEMENT AUTHORITY AND THE  
EXECUTION OF A LEASE AND AGREEMENT RELATING  
THERETO.

BE IT ORDAINED by the Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A., 40: 37A-44 et seq., the Township of Marlboro (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the

form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matter are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$691,376 and the interest rate on said bonds shall not exceed 5.132 percent (5.132%) per annum;

(b) the items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) the lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

Township of Marlboro

Schedule A

<u>Item #</u>	<u>Description</u>	<u>Cost</u>	<u>Lease Term</u>
1	Police cars	76,300	3
2	Dump Trucks	110,000	5
3	Sewer Equipment	180,000	5
4	Computers	55,200	3
5	Street & Traffic Signing Equipment	22,000	3
6	Tractor	10,000	5
7	Police Radar Upgrade	2,000	3
8	Police Detection Facsimile	5,000	3
9	Police Detection E. Duet Laser	1,000	3
10	Dispatching Fire & EMS	16,000	3
11	911 Call Taker	38,000	5
12	Training Equipment	8,000	3
13	Truck Mounte Paint Machine	21,000	5

14	Traffic Signs Paint Cooker	2,000	3
15	Radio R.A.C.E.S.	5,500	3
16	Mower Heads	8,500	3
17	Road Sanders	16,000	3
18	Snow Plows	13,500	5
19	Air Compressor	12,000	5
20	Woods Mower	3,000	3
21	Low Boy Trailer	3,000	5
22	In Field Conditioner	10,000	3
23	Play Field Line Striper	5,000	3
24	P. A. System	4,200	3
25	Park Personnel Carrier	4,500	5
26	Typewriters	2,200	3
27	Office Furnishings	10,600	3
28	Fire Safety Edu. Trailer	7,200	3
29	Court Prosecutor's Office	3,000	5
30	Judge Shield	4,000	5
31	Police Records	4,000	5
	TOTAL	662,700	

As the WMUA had not provided the information Council had asked for with regard to the property referred to in Res. #109-93, Councilman Broderick moved that Res. #109-93 (Forgiving WMUA Assessment of 1992 Taxes) be tabled. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman. This will be considered at the May 13 workshop meeting. Councilman Friedman asked that locations of Blocks and Lots be provided when resolutions are being prepared.

The following Resolution #110-93 (Naming of Street - Old Farm Road) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 110-93

RESOLUTION AUTHORIZING THE NAMING OF STREET (OLD FARM ROAD) TO CONFORM TO 911 REGULATIONS

WHEREAS, the Morganville Post Office has encountered a continuing problem with the delivery of the mails in the area of a private unnamed drive, located on Beacon Hill Road in the Township of Marlboro; and

WHEREAS, in addition, the Marlboro Township Police Department believes that it is in the best interests of the residents of the surrounding area to assign a street name to the said private drive in order to conform to 911 standards; and

WHEREAS, the private drive is owned by the Nicolosi family, who has consented to the name assignment and requested that the

private drive be entitled "Old Farm Road" by the Township Council;  
and

WHEREAS, the Township Council is in agreement that the naming of the private drive will assist in the efficient delivery of the mails as well as provide an efficient manner to provide 911 service to the area.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the private drive located on Beacon Hill Road and owned by the Nicolosi family is hereby assigned the name "Old Farm Road."

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Morganville Post Office
- b. Marlboro Post Office
- c. Lt. Douglas E. Tilton  
911 Municipal Coordinator  
Marlboro Township Police Department
- d. Nicolosi Family
- e. Marlboro Township Planning Board
- f. Marlboro Township Zoning Board
- g. Township Attorney

The following Res. #111-93 (Bond Reduction - Bear Brook Commons) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and passed on a 3 - 1 vote in favor, with Councilman Broderick voting no. Absent: Gurtman.

RESOLUTION # 111-93

RESOLUTION AUTHORIZING BOND REDUCTION -  
BEAR BROOK COMMONS

WHEREAS, Bear Brook Commons/Heller has requested the reduction of Township held performance guaranties for development known as Bear Brook Commons; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from T & M Associates, the consulting engineers in charge of site inspections for this project, dated March 12, 1993, which has been reviewed and recommended for Council action by Dean Staknys, P.E., on behalf of

the Municipal Engineer, on March 22, 1993; and

WHEREAS, the above report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance guaranty for a development known as Bear Brook Commons, in the current amount of \$350,925.00 shall be reduced by \$136,265.00, so that the amount to remain shall be \$214,660.00.

2. That the cash guaranty for a development known as Bear Brook Commons, in the current amount of \$31,902.00 shall be reduced by \$15,140.00, so that the amount to remain shall be \$16,762.00.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Bear Brook Commons/Heller
- b. Township Engineer
- c. Edward G. Broberg, P.E., Manager  
T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
- d. Michael Krak, Supervising Chief Inspector  
T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
- e. Township Attorney

The following Res. #112-93 (Redemption Tax Sale Certificates - Various) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 112-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$4,833.80 as per Schedule "A",

\*Copies of attached material to be found in regular minute book in Clerk's office.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$4,833.80 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

<u>LIEN NO.</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
92-125	360/21 QFARM	Neil Betoff	228.46
92-126	360/22 QFARM	Neil Betoff	183.94
92-127	360/23 QFARM	Neil Betoff	<u>197.72</u>
			610.12
92-128	360/24 & 24 QFARM	Thomas/Frances Brennan	1,097.44
91-129	360/60	Susan Weiss	<u>3,126.24</u>
		TOTAL -----	\$4,833.80

The following Resolution #113-93 (Colts Hill - Cancelling Properties from Lien) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick. Mr. Raffetto asked that a few words be added to paragraph 4, so that it now reads: "That all outstanding taxes arising from the lien which result from these seven (7) properties are canceled as they should not have been a part of the overall lien." Council agreed, and as there was no objection, the Clerk was asked to cast one ballot on Res. #113-93 as amended. Absent: Gurtman. Business Administrator Bob Albertson stated for the record that he has verified with Special Counsel Arthur Goldzweig that this resolution has no effect on a prior law suit.

RESOLUTION # 113-93

WHEREAS, on October 25, 1991, the Township of Marlboro acquired a Lien Certificate on property owned by the Colts Hill Corporation located at Block 154, Lot 1, for roll-back taxes covering the years 1988, 1989 and 1990; and

WHEREAS, Block 154, Lot 1 was subdivided into thirty-six (36) residential building lots; and

WHEREAS, on September 24, 1992, the Marlboro Township Council passed Resolution No. 311-92, which authorized the apportionment of the lien in the principal amount owed with interest as of that date among the thirty-six (36) subdivided parcels on a pro-rata basis

according to the amount of acreage per lot; and

WHEREAS, seven (7) of the said lots have been conveyed by the Colts Hill Corporation to either private grantees or to the Township of Marlboro; and

WHEREAS, these seven (7) properties should not have been part of the overall lien; and

WHEREAS, an amendatory certificate in the name of the Township of Marlboro must be filed.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the following seven (7) parcels, originally part of the property owned by the Colts Hill Corporation located at Block 154, Lot 1, shall be deleted from the said lien: Block 154, Lot 1.09; Block 154, Lot 1.11; Block 154, Lot 1.12; Block 154, Lot 1.15; Block 154, Lot 1.21; Block 154, Lot 1.31; and Block 154, Lot 1.32.

2. That the Tax Collector is authorized to cancel the existing Certificate which is held by the Township of Marlboro.

3. That the Tax Collector is authorized to issue an amended Certificate in the name of the Township of Marlboro, from which the above seven (7) properties shall be deleted.

4. That all outstanding taxes arising from the lien which result from these seven (7) properties are canceled as they should not have been a part of the overall lien.

5. That a certified copy of this Resolution be provided to each of the following:

- a. Marlboro Township Tax Collector
- b. Marlboro Township Tax Assessor
- c. Colts Hill Corporation
- d. Robert M. Holland, Esq.
- e. Thomas E. Dooley, Jr., Esq.  
340-344 North Avenue East  
P.O. Box 591  
Cranford, New Jersey 07016
- f. Joseph and Barbara DiMarco
- g. John and Ann Marie DiMarco
- h. John Wiley, Jr., Esq.  
343 Main Street  
Metuchen, New Jersey 08840
- i. Mr. and Mrs. David S. Strouse, Jr.
- j. Brian Peters and Denise Mancarella
- k. Allen and Diane Horowitz
- l. Township Attorney
- m. Arthur Goldzweig, Esq.

The following Resolution #114-93 (Authorizing Mayor and Clerk to File Certificate of Discharge) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #114-93

WHEREAS, Tax Certificate No. 84-1, issued by the Marlboro Township Tax Collector on October 26, 1984, as to former Block 12, Lot 14.A, now known as Block 111, Lot 20 on the Tax Map of the Township, in the amount of \$305.36, was redeemed by the property owner, Wilson Allen; and

WHEREAS, the certificate owner has lost the original Certificate and has requested that a Discharge of Certificate of Tax Sale be issued.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and Township Clerk to attest a Discharge of Certificate of Tax Sale as to former Block 12, Lot 14.A, now known as Block 111, Lot 20.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Edward C. Eastman, Jr., Esq.  
69 West Main Street  
Freehold, New Jersey 07728
- b. Marlboro Township Tax Collector
- c. Township Attorney

The following Res. #115-93 (Authorizing Revised Deed of Easement to Gordon's Corner) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 115-93

RESOLUTION AMENDING RESOLUTION NO. 65-91 AND  
AUTHORIZING THE MAYOR TO EXECUTE A REVISED DEED  
OF EASEMENT FROM THE TOWNSHIP OF MARLBORO TO  
GORDON'S CORNER WATER COMPANY

WHEREAS, on March 21, 1991, the Marlboro Township Council passed Resolution No. 65-91, which authorized the Township to grant an easement to Gordon's Corner Water Company over property located in front of the municipal library on Wyncrest Road; and

WHEREAS, the purpose of the easement was to facilitate the physical connection and installation of a water meter to measure the flow of water between Gordon's Corner Water Company and the Marlboro Township Municipal Utilities Authority (MTMUA); and

WHEREAS, in furtherance of same, a Deed of Easement was recorded in the Office of the Monmouth County Clerk on July 24, 1991, in Deed Book 5081 at Page 108; and

WHEREAS, in preparation for the addition and renovation of the library an updated topographical survey of the library property revealed a small inaccuracy in certain measurements of the easement; and

WHEREAS, a Revised Deed of Easement, with a corrected metes and bounds description of the property, submitted by Schoor & DePalma, dated December 23, 1992, has been prepared in order to more precisely reflect and describe the subject easement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Clerk to attest a Revised Deed of Easement, a copy of which is attached hereto and made a part hereof, which has been amended to reflect a more accurate metes and bounds description of the subject easement.  
\*SEE ATTACHED

2. That all other requirements of Resolution No. 65-91 shall remain in full force and effect.

3. That, once properly executed, the said Revised Deed of Easement shall be recorded at the Monmouth County Clerk's Office in order to supplement and revise the original Deed of Easement, which was recorded on July 24, 1991, in Deed Book 5081 at Page 108.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Gordon's Corner Water Company
- b. William A. Mechmann, Chair  
Library Trustees, Marlboro Free Public Library
- c. Marlboro Township Municipal Utilities Authority
- d. Douglas R. Kleinfeld, Esq.
- e. Township Engineer
- f. Township Attorney

\*Copies of attached material to be found in regular minute book in Clerk's office.

The following Res. #116-93 (Award of Bid: Marlboro Swim Club Partitions - W & W Sales - \$31,665) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. Mr. Raffetto verified to Council President Lichter that this was the lowest responsive bidder, among the three bidders, as the others did not provide bids covering the material that was asked for in the specifications. Arthur Lawrence, Director, was present and explained that the Swim Division reviewed the bids, and that the materials provided by the other two bidders were not equivalent and did not meet the specifications. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 116-93

BE IT RESOLVED THAT:

1. W & W Sales

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Partitions - Marlboro Swim Club

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

W & W Sales  
Spring Valley, N. Y.

on their low bid of: \$31,665.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution # 117-93 (Authorizing Contract - Drug Alliance) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 117-93

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN  
AGREEMENT WITH THE MONMOUTH COUNTY BOARD OF CHOSEN  
FREEHOLDERS REGARDING THE ALLIANCE TO PREVENT  
ALCOHOLISM AND DRUG ABUSE

WHEREAS, the Township of Marlboro has established the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse; and

WHEREAS, the Township of Marlboro has entered into agreements for participation in the Alliance to Prevent Alcoholism and Drug Abuse with the Monmouth County Board of Chosen Freeholders in the past; and

WHEREAS, it is necessary for the Township to enter into a new agreement with the Monmouth County Board of Chosen Freeholders for 1993, (See agreement attached).\*

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to sign and the Township Clerk to attest the attached agreement concerning the Alliance to Prevent Alcoholism and Drug Abuse between the Monmouth County Board of Chosen Freeholders and the Township of Marlboro, which shall expire December 31, 1993.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Barry W. Johnson, Director  
Monmouth County Board of Alcohol and Drug Abuse  
Services, P.O. Box 3000, Kozlowki Road  
Freehold, New Jersey 07728
- b. Monmouth County Board of Chosen Freeholders
- c. Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse
- d. Township Attorney

The following Resolution #118-93 (Change Meeting Date) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #118-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the workshop meeting scheduled for June 10, 1993 be changed to June 17, 1993,

BE IT FURTHER RESOLVED that such meeting will be held at the Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746.

The following Resolutions #119-93 (Raffle License CPC Mental Health Services/High Point Adolescent School) and #120-93 (Raffle License Collier Services/Sisters of the Good Shepherd) was introduced by reference, offered by Councilman Friedman, seconded by Councilman

Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 119-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 5-93 be and it is hereby granted to CPC Mental Health Services/High Point Adolescent School.

BE IT FURTHER RESOLVED that said Raffle will be held on June 30, 1993 at 12:00 Noon at the High Point Adolescent School, 1 High Point Center Way, Morganville, N. J. 07751.

RESOLUTION #120-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA:6-93 be and it is hereby granted to Collier Services/Sisters of the Good Shepherd.

BE IT FURTHER RESOLVED that said Raffle will be held on May 1, 1993 from 12 Noon to 5 PM at the Collier School, Conover Road, Wickatunk, N. J. 07765.

Administrative Report - Mayor Scannapieco informed Council that he had received notice from the State that the town will receive \$55,000 to repair a portion of Texas Road, along the dangerous area where the railroad tracks are located. The Mayor also announced the first meeting of the ad hoc committee on security issues at Marlboro Psychiatric Hospital on Monday, April 26th at 8:00 PM at the municipal office. He will keep Council informed on the issues as they come up. Mayor Scannapieco announced formally the Mayor's Ball on June 11th, at the Garden State Arts Center, which is a fund raiser for the Marlboro Improvement and Cultural Foundation. The price per ticket is \$75, and the Mayor extended an invitation for everyone to attend.

Public Session - Frances Kessler, Zoning Officer, 3 Nash Court and Sarah Egelfeld, Zoning Board Clerk - responded to the statements made by Mr. Toubin during Citizen's Voice.

At 9:55 P.M., Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Council President Lichter and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 22nd day of April, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open

Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately one hour. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 11:25 PM, Councilman Friedman moved that the executive session be opened and that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *May 27, 1993*

OFFERED BY: *Gurtman*

AYES: *5*

SECONDED BY: *Boderick*

NAYS: *0*

*Evelyn D. Piccolini*

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

May 13, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on May 13, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Gurtman announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council Vice President Gurtman. Council President Lichter was absent.

Also present were: Mayor Scannapieco, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta. Township Attorney John Bennett arrived at 10:45 PM.

The following Resolution #121-93 (Temporary Capital Budget) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Lichter.

RESOLUTION #121-93

WHEREAS, the Township of Marlboro desires to constitute the 1993 Temporary Capital Budget of said municipality.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Marlboro as follows:

Section 1. The 1993 Temporary Capital Budget of the Township of Marlboro is hereby constituted by the adoption of the attached schedule. \*SEE ATTACHED

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these

\*Copies of attached material to be found in regular minute book in Clerk's office.

projects for 1993 Temporary Capital Budget, to be included in the 1993 Permanent Capital Budget as adopted.

Res. #122-93 (Applying to Local Finance Board for Permission to Utilize Excess Funds) was carried to May 27th, as the final figures were being finalized by the auditor.

The following Resolution #123-93 (Award of Bid: Capital Improvements to Marlboro Swim Club (Orba Construction) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Lichter.

RESOLUTION # 123-93

BE IT RESOLVED THAT:

1. ORBA CONSTRUCTION

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Capital Improvements - Marlboro Swim Club

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Orba Construction Corp.  
1068 Route 22 East, Bridgewater, N. J. 08876

on their low bid of: \$56,726.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

Regarding Item 4 (Monmouth County Improvement Authority), this item was not discussed, as no one from the Authority was present.

Item 5 (Marlboro Development Corp. - Request to Rezone) was then discussed by Council. Todd Cohen, Esq., attorney for Marlboro Development Corporation, was present as well as Mr. Lawrence Bathgate, a principal of Marlboro Development Corp., and Mr. Kovacs, Engineer. The property consists of 318 acres with frontage on Route 79, Vanderburg Road, and Boundary Road, and is presently zoned Light Industrial. They are seeking rezoning of this property to allow for single-family residential development, and showed a conceptual drawing. Mr. Kovacs stated that a portion of the development, approximately 51 acres would be

dedicated to the township for municipal use. He stated that 38 acres of such parcel are usable, the rest consisting of wetlands. He stated that there are two adjoining parcels on Boundary Road that the township might wish to consider acquiring through application for a green acres grant. One such parcel is presently for sale, and the other is currently owned by Atlantic Sanitation. Sherry Hoffer - Zoning Board Chairman - expressed her concerns about the usability of the piece of property to be dedicated to the township, as it is adjacent to Atlantic Sanitation. As Atlantic Sanitation is presently before the Zoning Board, whether they will get permission to continue their operation from that site could not be ascertained. After discussion, Council recommended that this request be referred to the Planning Board for their input. Council Vice President Gurtman suggested a possible joint meeting with the Planning Board, which may be considered in the future.

Item 6 (Update on Community Center) was then discussed by Council. Steve Dick, Chairman, and John Saffioti, Director, were present for the discussion. Mr. Dick passed each Councilmember a copy of the minutes of their last meeting, April 27th. He explained that Stuart Alexander of Schoor De Palma brought the committee up to date on where the project stands in terms of estimated cost (\*See Attached) The bidding will take place later this month, and at that time, the exact bids cost will be known. Further updates will follow, after the bids have been received.

Item 7 (Request to Purchase Township Property - Parker) was then discussed by Council. George Hovanek, Esq., attorney for the Parkers, was present, as well as Mr. & Mrs. Parker. He informed Council that the Parkers' home encroaches onto Block 105, Lot 4 (off Thomas Lane), which is owned by the Township. The Parkers would like to purchase that property, and will assume the costs associated with this. Council asked Mr. Raffetto what procedure would have to be followed, in order to accomplish this sale. He stated that if the property is not otherwise needed for public use, the municipality can then dispose of it. If the property is an undersized lot of record, the town could sell the parcel directly to the Parkers. However, if this property is a developable lot, it would have to be sold at public auction. An exchange of lands was also suggested. An appraisal of the property would have to be made, and additional information from the Tax Assessor, Engineer and Zoning would be necessary, in order to proceed. This will be discussed at the June 17 workshop meeting.

Item 8 (Zoning Ordinance Revisions) was then discussed. Sherry Hoffer, Zoning Board Chairman, was present for the discussion. Mr. Raffetto explained that the suggested ordinance changes involved a revision of the escrow fee schedule, a

clarification of the definition of a front yard, and an amendment to the section dealing with fences. After discussion, Council moved these ordinance revisions to the May 27th agenda, for first reading.

Regarding Item 9 (Builder's Pride Rezoning), Council clarified that they wish the zone change to R-25 in the Ryan Road area to encompass all the area that is currently zoned R-60, as per the Planning Board's Corrective Resolution of May 5, 1993. This was moved to the May 27 agenda for First Reading.

Regarding Item 12 (Amend Cluster Zoning Provisions), Council discussed the draft ordinance, and moved it to the May 27 agenda for First Reading.

Regarding Item 10 (MacDonald Property - Route 79), Township Engineer David Birnbaum apprised Council of the dangerous drainage problem that exists on the MacDonald Property. It will cost approximately \$25,000, in construction costs, wetlands application fees and preparation to alleviate this problem. The Mayor stated that the problem started during construction at Central School, and was further exacerbated when the State paved Route 79, as more water started coming through. Water is now draining through their property, washing away topsoil, exposing roots of trees, and endangering the laterals (septic system). The Mayor stated that several alternatives were looked into, but none have worked out. Mr. Raffetto was asked to look into the possibility of trying to recover some funds from the Board of Education and N.J. DOT. Council recognized that this a serious problem that needs to be rectified, but they were also concerned about setting a precedent. Mr. Raffetto suggested that a clause be inserted in the Resolution indicating the special reasons why this action is necessary, and stating that this in no way sets a precedent. Also, Mr. Raffetto was asked to check if this could be covered under the ordinance creating the stormwater management fund. Also, the Board of Health will be contacted, to ascertain whether this could be considered a health emergency. The Mayor informed Council that the funds for this project may also be available under a previous bond ordinance. This will be discussed further at the June 17 workshop meeting.

Item 11 (Mason Contract) was then discussed. Township Engineer asked that Council make a policy decision on whether they wish to continue repairing driveway aprons for residents. Council discussed the pros and cons and felt they would like more time to think about it. This will be discussed further at the June 17th workshop meeting.

Regarding Item 13 (Identification and Location of Blocks & Lots on Resolutions), Councilman Friedman asked that the attorney's office give a street location for each Block and Lot in future resolutions. Council directed the attorney's office to do so.

Council then discussed Item 14 (Request of Greenbriar North Homeowners Assoc. to Purchase Township Property). Mayor Scannapieco informed Council that this piece of property is approximately seven acres, and is located next to the lake. He stated that administration has no plans to utilize this property, and the homeowners association would like to purchase it for storage space. He informed Council that if the township was inclined to sell this property, it would have to be sold at public auction at its appraised value, the successful purchaser to include the cost of the appraisal in the purchase price. Council asked administration to find out how this piece of property came to the township before the next meeting. Council moved a resolution authorizing the appraisal for such property the May 27th agenda.

Item 15 (Information on WMUA Property/Res. #109-93 - Forgiving WMUA Payment of Taxes) was postponed until such information is received by the WMUA.

Item 16 (First Reading - Community Development Block Grant) was moved to the May 27th agenda.

Item 17 (First Reading - Amending B. O. 29-92 - Addition to Library) was moved to the May 27th agenda.

Regarding Item 18 (First Reading - Amend Land Use - Corner Lots), Council discussed whether the proposed language in this amendment may conflict with other provisions in the Code. Mr. Raffetto was asked to check into this and have all language conform. This was moved to the May 27th agenda.

Item 19 (Bond Reduction - Ryan Meadows North Section 1) was moved to the May 27th agenda.

Item 20 had been removed, as action on this item had been taken earlier in the meeting.

Item 21 (Opposing A-1463 - Bill to Exempt New Trailer Parks from Rent Control for up to 30 years) was moved to the May 27th agenda, pending further explanation by the Township Attorney.

Item 22 (1993 Transportation Agreement) was moved to the May 27th agenda.

Item 23 (Amending Res. #113-93 - Colts Hill Corp.) was moved to the May 27th agenda.

Item 24 (Exempt Fireman - Henry T. Smith) was moved to the May 27th agenda.

Item 25 (Tax Collector Resolutions - 4) was moved to the May 27th agenda.

Item 26 (Correction and/or Approval of Minutes: April 1 & 22, 1993.

Good & Welfare - Mayor Scannapieco apprised the Council on the sinkhole situation, stating that it has been resolved with regard to that one property. The developer has been very responsible and has restored the property. He also informed Council that a study has been done on that piece of the development with radar equipment, to determine whether there might be other potential sinkholes. He will inform Council as soon as he receives the results of the study. Council Vice President Gurtman informed Council that a memorial fund has been established for a scholastic award in memory of Adam Strassler, and contributions from interested groups will be gratefully accepted. Also, Council spoke about trying to do something about more driver education for young people, especially for night driving.

At 10:30 P.M., Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Lichter.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of May, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 11:30 PM, Councilman Friedman moved that the meeting be opened and then adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Lichter.

MINUTES APPROVED: *June 24, 1993*

OFFERED BY: *Friedman*

AYES: *5*

SECONDED BY: *Carpiano*

NAYS: *0*

*Evelyn D. Piccolini*

---

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

---

WARREN GURTMAN  
COUNCIL VICE PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

May 27, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on May 27, 1993 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:30 PM, notice of which had been faxed to the Asbury Park Press and the News Transcript on May 25, 1993. After Council President Lichter read such announcement, he moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Carpiano, and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 27th day of May, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:15 PM, Council Vice President Gurtman moved that the Closed Session be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

The Marlboro Township Council held a regularly scheduled Council Meeting on May 27, 1993 at 8:15 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman, Council Vice President Gurtman  
and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Citizen's Voice - Saul G. Hornik - 4 Orchard Hill Drive - asked about the Spring Clean-up and the grant for storm damage. His questions were answered by Business Administrator Bob Albertson. Liz Paulsen - 318 Texas Road - asked about the status of the renovations to the Morganville Senior Center, and whether air-conditioning is part of that renovation. She also inquired about spraying for tent caterpillars. Her questions were answered by Business Administrator Bob Albertson, and he will meet with her to go over the construction at the Morganville Senior Citizens' Building in detail.

Council Speaks Out - Council Vice President Gurtman asked if the administration can address of the problem of residents placing shrubs and branches in the street, causing unsafe driving conditions. Councilman Broderick also brought up the new ruling that grass clippings are no longer being picked up. Business Administrator Bob Albertson asked that these problems be listed for discussion at the next workshop meeting, June 17th. Councilman Broderick expressed his hope that the Police Dept. will start issuing summonses for persons running stop signs and driving carelessly. Councilman Friedman congratulated Municipal Clerk Evelyn Piccolini on the birth of her first granddaughter. Council Vice President Gurtman congratulated the Recreation Dept. and Little League on their outstanding programs and upkeep of fields.

Council Vice President Gurtman moved that the minutes of April 1 and April 22, 1993 be approved. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

Resolution #124-93/Ord. #7-93 (Establishing Chapter 43 - Amusement Devices) was introduced by reference, offered by Council Vice President Gurtman and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearings on Ord. #7-93, #8-93 & #9-93. Frank Sevinsky - President of Alpha-Omega Amusements - brought to Council's attention two concerns he had with the existing ordinance. The requirement that machines have four feet of space between sides was his first concern. His second concern was the requirement that no more than two machines be allowed for the first 3,000 square feet of space. Council wished to look into this further, and therefore Council President Lichter moved that Res. #124-93/Ord. #7-93, Res. #125-93/Ord. #8-93 and Res. #126-93/Ord. #9-93 be tabled. This was seconded by Council

Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot. This will be discussed at the next workshop meeting, June 17th.

The following Resolution #127-93/Ord. #21-93 (Establishing Chapter 11 - Emergency Service Benefits) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. Council President Lichter opened the Public Hearing on Ord. #21-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 127-93

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

ORDINANCE # 21-93

AN ORDINANCE ESTABLISHING CHAPTER 11 (EMERGENCY SERVICE BENEFITS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #128-93/Ord. #22-93 (Authorizing Conveyance of Portion of Block 253, Lot 35 to Monmouth County) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #22-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 128-93

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

ORDINANCE # 22-93

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PORTION OF BLOCK 253, LOT 35 (INTERSECTION OF ROUTE 520 AND WYNCREST ROAD) FROM THE TOWNSHIP OF MARLBORO TO THE COUNTY OF MONMOUTH FOR PUBLIC PURPOSES.

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

The following Resolution #129-93/Ord. #23-93 (Authorizing Leasing Certain Capital Equipment from Monmouth County Improvement Authority) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #23-93. Frank Abate - 12 Norma Court - asked if the moneys from the bond ordinance for the 911 system were all expended, as the 911 call taker was included in the list of items to be leased. Council President Lichter asked that Business Administrator Bob Albertson check on what funds were spent out of that bond ordinance and to report to Council. As there was no one else who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 129-93

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

ORDINANCE # 23-93

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.

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

ORDINANCE # 23-93

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO.

BE IT ORDAINED by the Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A., 40: 37A-44 et seq., the Township of Marlboro (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this

meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matter are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$691,376 and the interest rate on said bonds shall not exceed 5.132 percent (5.132%) per annum;

(b) the items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) the lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

### Township of Marlboro

#### Schedule A

<u>Item #</u>	<u>Description</u>	<u>Cost</u>	<u>Lease Term</u>
1	Police cars	76,300	3
2	Dump Trucks	110,000	5
3	Sewer Equipment	180,000	5
4	Computers	55,200	3
5	Street & Traffic Signing Equipment	22,000	3
6	Tractor	10,000	5
7	Police Radar Upgrade	2,000	3
8	Police Detection Facsimile	5,000	3
9	Police Detection E. Duet Laser	1,000	3
10	Dispatching Fire & EMS	16,000	3
11	911 Call Taker	38,000	5
12	Training Equipment	8,000	3
13	Truck Mounte Paint Machine	21,000	5
14	Traffic Signs Paint Cooker	2,000	3
15	Radio R.A.C.E.S.	5,500	3
16	Mower Heads	8,500	3
17	Road Sanders	16,000	3

18	Snow Plows	13,500	5
19	Air Compressor	12,000	5
20	Woods Mower	3,000	3
21	Low Boy Trailer	3,000	5
22	In Field Conditioner	10,000	3
23	Play Field Line Striper	5,000	3
24	P. A. System	4,200	3
25	Park Personnel Carrier	4,500	5
26	Typewriters	2,200	3
27	Office Furnishings	10,600	3
28	Fire Safety Edu. Trailer	7,200	3
29	Court Prosecutor's Office	3,000	5
30	Judge Shield	4,000	5
31	Police Records	4,000	5
	TOTAL	662,700	

The following Resolution #130-93/Ord. #24-93 (Amending Bond Ord. #29-92 - Library) was introduced by reference, offered by Councilman Broderick, seconded by Council Vice President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #130-93

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

ORDINANCE # 24-93

BOND ORDINANCE AMENDING BOND ORDINANCE  
NO. 29-92 PROVIDING FOR VARIOUS CAPITAL  
IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE  
TOWNSHIP OF MARLBORO, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 24-93

BOND ORDINANCE AMENDING BOND ORDINANCE  
NO. 29-92 PROVIDING FOR VARIOUS CAPITAL  
IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE  
TOWNSHIP OF MARLBORO, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY.

WHEREAS, the Township Council of the Township of Marlboro, New Jersey (the "Township") has heretofore adopted Bond Ordinance No. 29-92 (the "Bond Ordinance") which authorized various capital improvements; and

WHEREAS, it is desirable to amend the amount set forth under Section 6(d) of the Bond Ordinance with respect to the amount permitted under Section 20 of the Local Bond Law of the State of New Jersey constituting Chapter 2 of Title 40 of the New Jersey Statutes, as amended and supplemented; and

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

Section 1. The amount of \$63,200 set forth in Section 6(d) of the Bond Ordinance is hereby amended to "\$150,000").

Section 2. All other provisions of said Bond Ordinance shall remain unchanged.

Section 3. This Bond Ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by law.

The following Resolution #131-93/Ordinance #25-93 (Participation in Community Development Program) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 131-93

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

ORDINANCE # 25-93

ORDINANCE AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR  
COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT  
PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #25-93

ORDINANCE AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its people to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the Township of Marlboro and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Township of Marlboro to enter into such an agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Governing Body of the Township of Marlboro, that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon its enactment.

The following Resolution #132-93/Ordinance #26-93 (Rezoning - R-60 to R-25 - Ryan Road Area) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 132-93

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

ORDINANCE # 26-93

AN ORDINANCE AUTHORIZING THE REZONING OF VARIOUS LOTS IN BLOCK 392 (BUILDER'S PRIDE, RYAN ROAD) IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 26-93

AN ORDINANCE AUTHORIZING THE REZONING OF VARIOUS LOTS  
IN BLOCK 392 (BUILDER'S PRIDE, RYAN ROAD)  
IN THE TOWNSHIP OF MARLBORO, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY  
ORDINANCE #26-93

WHEREAS, the Marlboro Township Planning Board passed a Resolution dated January 6, 1993, recommending that the Township Council amend the zoning for Block 392, Lots 25 and 27, located on Ryan Road, in the Township of Marlboro, County of Monmouth, State of New Jersey, from the R-60 zoning classification to the R-25 zoning classification; and

WHEREAS, Jerome M. Selvers, Esq., attorney for the owner of the subject properties, Builder's Pride, appeared before the Township Council on April 1, 1993, to explain the reasons for the requested zone change as well as to set forth proposals regarding certain off-site improvements associated with the development of the subject properties: and

WHEREAS, subsequent thereto, the Marlboro Township Planning Board passed a Corrective Resolution, dated May 5, 1993, in order to reflect the actual intent of the Planning Board that additional lots in Block 392 be amended from the R-60 zoning classification to the R-25 zoning classification (see Resolution attached hereto); and

WHEREAS, the Township Council is satisfied that the zone change is in the best interest of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, as follows:

1. The following properties at Block 392, Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37 and 38, located on Ryan Road in the Township of Marlboro, are hereby rezoned from the R-60 zoning classification to the R-25 zoning classification.

\*Copies of attached material to be found in regular minute book in Clerk's office.

2. The Zoning Map of the Township of Marlboro is hereby amended in accordance with the Zoning Map dated June 24, 1993, prepared by Maser Sosinski & Associates, P.A.

3. Builder's Pride shall be responsible for the payment of all legal, administrative and other costs associated with this rezoning.

4. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held invalid, such decision shall not invalidate any remaining portion of this Ordinance.

5. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #133-93/Resolution #27-93 (Establishing Section 113-6.2 - Public Nuisance) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #133-93

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

ORDINANCE # 27-93

AN ORDINANCE ESTABLISHING SECTION 113-6.2 (PUBLIC NUISANCE) OF CHAPTER 113 (PROPERTY MAINTENANCE) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 27-93

AN ORDINANCE ESTABLISHING SECTION 113-6.2 (PUBLIC NUISANCE) OF CHAPTER 113 (PROPERTY MAINTENANCE) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Section 113-6.2 (Public Nuisance) of Chapter 113 (Property Maintenance) of the "Code of the Township of Marlboro, New Jersey" is hereby established to read as follows:

Section 113-6.2. Public Nuisance.

Article 2, Section PM-201.0, of the BOCA National Property Maintenance Code. Third Edition (1990) shall be revised to read as follows:

Public nuisance: In addition to the items and/or conditions specified as nuisances to the general public in Chapter 96 of the Code of the Township of Marlboro, a public nuisance shall include the following:

1. The use of any premises, property or parcel of land, or the physical condition thereof, in a manner which constitutes a public nuisance at common law. A public nuisance at common law is an unreasonable interference with the health, safety or property rights of the community, affecting an indefinite number of persons, or all or a significant number of the residents of the community, or all or a significant number of those persons who are situated within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Circumstances that may sustain a determination that an interference with the health, safety or property rights of the community is unreasonable may include the following:
  - (a) Whether the conduct involves a significant interference with the public health, the public safety, the public peace, the public comfort or the public convenience; or
  - (b) Whether the conduct is prescribed by a statute, ordinance or administrative regulation; or
  - (c) Whether the conduct is of a continuing nature or has produced a permanent or long-lasting effect, and, as the actor knows or has reason to know, has a significant effect upon the rights of others.

These circumstances are intended to serve as typical situations which may warrant a determination that an unreasonable interference with the health, safety or property rights of the community has occurred. It is not intended to be construed as an exclusive listing of such circumstances.

2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which has unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #134-93/Ordinance #28-93 (Amending Section 84-38 - LC Zone) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 134-93

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

ORDINANCE # 28-93

ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-38  
(LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE  
DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #28-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-38  
(LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE  
DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

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

1. Section 84-38 (LC Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection A (7) (c) as follows (additions are underlined; deletions are crossed out):

(c) Land area equal to a minimum of forty percent (40%) of the gross area of the proposed development shall not be included in lots but shall be either (1) offered to the Township of Marlboro ~~for conservation, open space and/or floodplain areas for public purposes as part of the Municipal Zone and to be used in~~ furtherance of the best interests of the Township, which may include outdoor recreation facilities or (2) set aside as common property and maintained by a homeowners' association. Land utilized for street rights-of-way may be included in the above forty percent (40%). All streets within the development shall be offered to the Township.

2. Section 84-38 (LC Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby further amended and supplemented to change Subsection A (7) (e) [2] as follows:

(e) [2] Every parcel of land so dedicated on a subdivision plat of a cluster development shall be conveyed to the Township free of any liens of any nature at the time final approval is granted to the Township to the final subdivision plat, and each parcel so

dedicated shall have the following wording written on the plat in conformance with the subdivision provisions. "Lands dedicated to the Township of Marlboro for ~~conservation, open-space, and floodplains~~ Township purposes under the cluster development provisions of the Land Use Development and Regulations Ordinance of the Township of Marlboro."

3. Section 84-38 (LC Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection H (1)(c)[5] as follows:

(c) [5] Land area equal to forty percent (40%) of the gross area of the proposed development shall not be included in lots, but shall be offered to the Township of Marlboro ~~for conservation, open-space-and/or-floodplain-areas~~ for public Township purposes. Land utilized for street rights-of-way may be included as part of the above forty percent (40%). All streets within the development shall be offered to the Township.

4. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

5. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #135-93/Ordinance #29-93 (Amending Fee Schedule B - Escrow Fees) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #135-93

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

ORDINANCE # 29-93

AN ORDINANCE AMENDING AND SUPPLEMENTING LAND USE FEE SCHEDULE B (ESCROW FEES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 29-93

AN ORDINANCE AMENDING AND SUPPLEMENTING LAND USE FEE SCHEDULE B (ESCROW FEES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Land Use Fee Schedule B (Escrow Fees) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined):

PROCEDURE	ESCROW TO BE POSTED
Use Variances	
Interpretation	500.00
Residential	\$1,500.00
Commercial/Industrial	\$2,000.00
<u>Bulk Variances</u>	
<u>10% or Less Deviation from Section 84-29D (Building Requirements)</u>	<u>\$ 800.00</u>
<u>Over 10% Deviation from Section 84-29D (Building Requirements)</u>	<u>\$1,500.00</u>
<u>Residential - Fences and minor accessory structures in easements</u>	<u>\$ 800.00</u>
<u>Residential - Swimming Pools</u>	<u>\$ 800.00</u>
Resubmission of Application	25% of original fee

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #136-93/Ordinance #30-93 (Amending Section 84-4 Definition - Front Yard) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 136-93

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

ORDINANCE # 30-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4 (DEFINITIONS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 30-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4 (DEFINITIONS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-4 (Definitions) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined: deletions are crossed out):

YARD, FRONT - An open, unoccupied space extending across the full width of the lot and lying between the any street line and the closest point of any building or structure on the lot. The depth of the "front yard" shall be measured horizontally and at right angles to either a straight street line or the point of tangency of curved street lines. The minimum required "front yard" shall be the same as the required front set back. Lots abutting more than one (1) street shall be considered to have a front yard for each street.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #137-93/Ordinance #31-93 (Amending Section 84-58 - Fences) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 137-93

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

ORDINANCE # 31-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-58 (FENCES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 31-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-58 (FENCES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-58 (Fences) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection A as follows (additions are underlined):

Section 84-58. **Fences.**

Fences hereafter erected, altered or reconstructed in any zone in the Township of Marlboro shall be open fences not to exceed three (3) feet in height above ground level when located in a front yard area, or five (5) feet on a lot of six (6) or more acres of farmland, or fences not to exceed six (6) feet in height above ground level in any side or rear yard areas, except as follows:

- (1) Open wire fences not exceeding eight (8) feet in height may be erected in the rear or side yard areas in any commercial or industrial zone district.
- (2) Open wire fences not exceeding eight (8) feet in height may be erected within public park, public playground or public school properties.
- (3) Fences enclosing commercial or private club pools shall adhere to the requirements of Section 84-59 of this Chapter.
- (4) Fences specifically required by this Section.
- (5) For corner properties, fences in front yards may be permitted on setback lines provided that the setback lines are no further from the principal structure than four (4) feet. No such fence, however, shall be permitted across the entire width of that part of the property where the front door or entrance to the premises is located.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #138-93/Ordinance #32-93 (Amending Tables I & II of Chapter 84 - Corner Lots) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 138-93

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

ORDINANCE # 32-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
TABLES I AND II (SCHEDULE OF AREA, YARD AND  
BUILDING REQUIREMENTS) OF CHAPTER 84 (LAND USE  
DEVELOPMENT AND REGULATIONS) OF THE "CODE OF  
THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time

all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 32-93

AN ORDINANCE AMENDING AND SUPPLEMENTING TABLES I AND II (SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Table I (Schedule of Area, Yard and Building Requirements) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows ( additions are underlined):

MINIMUM LOT DIMENSIONS

ZONE	LOT FRONTAGE (Interior) <u>Lots/Corner</u> <u>Lots)</u>	LOT WIDTH (Interior) <u>Lots/Corner</u> <u>Lots)</u>	LOT DEPTH
LC	400	400	500
R-80	250	250	300
R-60	225	225	225
R-30	125/ <u>150</u>	125/ <u>150</u>	150
R-25	110/ <u>150</u>	110/ <u>150</u>	150
R-20	100/ <u>150</u>	100/ <u>150</u>	150
OPT-1	100	100	150
OPT-2	100	100	250
OPT-3	300	300	400
CS	250	250	300
C-2	300	300	200
C-3	400	400	450
C-4	500	500	500
CIR	300	300	300
IOR	300	300	300
LI	300	300	300

2. Table II (Cluster Provisions - Schedule of Area, Yard and Building Requirements) of Chapter 84 (Land use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined):

## MINIMUM LOT DIMENSIONS

ZONE	Lot Frontage (Interior <u>Lots/Corner</u> <u>Lots)</u>	Lot Width (Interior <u>Lots/Corner</u> <u>Lots)</u>	Lot Depth
80-60	225	225	300
60-40	175/ <u>200</u>	175/ <u>200</u>	175
60-30	125/ <u>150</u>	125/ <u>150</u>	150
60-20	100/ <u>150</u>	100/ <u>150</u>	150
30-20	100/ <u>150</u>	100/ <u>150</u>	150

3. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #139-93/Ordinance #33-93 (Amending Various Sections of Chapter 84 - Corner Lots) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 139-93

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

ORDINANCE # 33-93

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 33-93

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-43 (FRD - Flexible Residential District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined):

- G. Schedule of minimum requirements for single-family dwellings at a density of ten thousand (10,000) square feet per lot.
- (2) Minimum lot width, interior lots: seventy-five (75) feet;
  - (4) Minimum lot frontage, interior lots: seventy-five (75) feet; minimum lot frontage, corner lots: one (100) feet.

2. Section 84-45 (RSC - Senior Citizen Residential District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined; deletions are crossed out):

B. Dwelling construction controls.

(1) With regard to any single-family detached dwelling that is constructed in this district, the following regulations and provisions shall be applicable:

- (b) Minimum lot width, interior lots: seventy-five (75) feet; minimum lot width, corner lots: eighty-five (85) feet.
- (d) Minimum lot frontage, interior lots: seventy-five (75) feet; minimum lot frontage, corner lots: eighty (85) feet.
- (e) Minimum front yard setback: ~~twenty-(20)-feet~~ twenty-five (25) feet.

3. Section 84-45.1 (RSCS - Senior Citizen Residential and Single-Family District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change subsection C (4) (e) as follows (additions are underlined; deletions are crossed out):

- (e) Minimum setback distances from all private streets to be constructed and installed as part of the LCC shall be as follows:

- [1] The minimum front yard setback shall be ~~twenty-(20) feet~~ twenty-five (25) feet.

4. Section 84-49 (PAC - Planned Adult Community District) of Chapter 84 Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined):

S. Schedule of minimum requirements: Single-family dwellings (Nonadult Community).

(3) Minimum lot width for interior lots shall be one hundred (100) feet; minimum lot frontage for corner lots shall be one hundred twenty-five (125) feet.

(5) Minimum lot frontage for interior lots shall be one (100) feet; minimum lot frontage for corner lots shall be one hundred twenty-five (125) feet.

5. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

6. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #140-93/Ordinance # 34-93 (Bond Ord. - Various Capital Improvements - \$1,800,000) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #140-93

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

ORDINANCE #34-93

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,800,000 FOR VARIOUS CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 24, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #34-93

BOND ORDINANCE PROVIDING AN APPROPRIATION OF  
\$1,800,000 FOR VARIOUS CAPITAL IMPROVEMENTS  
AND PURPOSES FOR AND BY THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH, NEW  
JERSEY AND AUTHORIZING THE ISSUANCE OF  
\$1,710,000 BONDS OR NOTES OF THE TOWNSHIP  
FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, By the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Marlboro, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,800,000, such sum includes the sum of \$90,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,710,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,710,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Construction of Township Community Center, including the acquisition of all work and materials necessary therefor or incidental thereto	\$1,420,000	\$1,349,000	20 years
Various Improvements to Town Hall and Town Hall annex, including the acquisition of all work and materials necessary therefor or incidental thereto	38,000	36,100	15 years
Resurfacing and restoration of various Township roads, including Clayton Lane, Stockton Road, Millay Road, Texas Road, Ryan Road, School Road East, Pleasant Valley Road, Crine Road, Old Mill Road, Roosevelt Avenue, Wilson Avenue, Baldwin Street, Bauers Lane, Nolan Road, the intersection of Spring Valley Road and Texas Road, including, as required, excavation, milling, drainage structures, curbing, asphalt pavement, sidewalks, and also including the acquisition of all work and materials necessary therefor or incidental thereto	266,000	252,700	10 years
<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Improvements to storm water system, including the acquisition of all work and materials	24,000	22,800	40 years

necessary therefor or  
incidental thereto

Various improvements to the Township Municipal Buildings, including handicap access including the acqui- sition of all work and materials necessary therefor or incidental thereto	10,000	9,500	15 years
Acquisition of three pick-up trucks	42,000	39,900	5 years
<b>TOTAL PURPOSES</b>	<b>\$1,800,000</b>	<b>\$1,710,000</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,710,000.

(c) The estimated cost of the Improvements is \$1,800,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment for each purpose.

#### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the

name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 18.30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,710 000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$195,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of

the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

(a) This Section 9 constitutes a declaration of official intent under Treasury Regulation Section 1.103-18.

(b) The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Township incurs debt obligations under this Bond Ordinance.

(c) The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance.

(d) The maximum principal amount of debt expected to be issued for reimbursement of prior expenditures for the Improvements is \$1,710,000 under this Bond Ordinance.

(e) No funds from sources other than the debt to be incurred by the Township are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Township or any member of the same controlled group as the Township pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

(f) Within thirty (30) days after the date of adoption of this Bond Ordinance and declaration of official intent, it shall be made available for public inspection at the main administrative office of the Township at 1979 Township Drive, Marlboro, New Jersey, and shall remain available for public inspection during the Township's regular business hours until the date of issuance of the debt obligation to be used to reimburse the prior expenditures.

## SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #141-93 (Introduction of 1993 Municipal Budget) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 141-93

## Section 1.

Municipal Budget of the Township of Marlboro, County of Monmouth for the Fiscal Year 1993

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 1993;

BE IT FURTHER RESOLVED that said Budget be published in the Asbury Park Press in the issue of June 14, 1993

The Governing Body of the Township of Marlboro does hereby approve the following as the Budget for the year 1993:

Notice is hereby given that the Budget and Tax Resolution was approved by the Council of the Township of Marlboro, County of Monmouth on May 27, 1993.

A Hearing on the Budget and Tax Resolution will be held at the Marlboro Township Municipal Complex on June 24, 1993 at 8:00 PM at which time and place objections to said Budget and Tax Resolution for the year 1993 may be presented by taxpayers or other interested persons.

The following Resolution #122-93 (Applying to Local Finance Board for Permission to Utilize Surplus Funds) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #122-93

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
MAKING APPLICATION TO THE LOCAL FINANCE BOARD

WHEREAS, the Township of Marlboro has Current Fund Surplus in the sum of \$5,194,591.69 and;

WHEREAS, the Township of Marlboro desires to appropriate and expend \$170,000.00 of said surplus outside of the CAP;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

The following Resolution #141A-93 (Zoning Board Appointment - David Lerner - to fill unexpired term of John Peterson) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Discussion followed, during which Councilman Friedman asked that future appointments be discussed at workshop meetings and that the resolution be left in blank, to allow the opportunity to place other names in nomination. As there was no objection, the Clerk was asked to cast one ballot.

**RESOLUTION #141A-93**

**RESOLUTION APPOINTING DAVID LERNER TO FILL AN UNEXPIRED TERM ON THE TOWNSHIP ZONING BOARD OF ADJUSTMENT**

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

DAVID LERNER is hereby appointed to the Marlboro Township Zoning Board of Adjustment, to fill the unexpired term of John Peterson, said term to expire on December 31, 1994.

The following Resolution #142-92 (Bond Reduction - Ryan Meadows North Sect. 1) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

**RESOLUTION #142-93**

**RESOLUTION AUTHORIZING BOND REDUCTION - RYAN MEADOWS NORTH, SECTION 1, AND RYAN ROAD IMPROVEMENTS**

WHEREAS, Ryan Meadows has requested the reduction of Township held performance guaranties for development known as Ryan Meadows, Section 1 and Ryan Road Improvements: and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from T & M Associates, the consulting engineers in charge of site inspections for this project, dated April 21, 1993, which has been reviewed and recommended for Council action by Dean Staknys, P.E., on behalf of the Municipal Engineer, on April 22, 1993: and

WHEREAS, the above report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance guaranty for a development known as Ryan Meadows North, Section 1, in the current amount of \$690,366.00 shall be reduced by \$480,624.00, so that the amount to remain shall be \$209,742.00.

2. That the cash guaranty for a development known as Ryan Meadows North, Section 1, in the current amount of \$62,764.00 shall be reduced by \$43,935.00, so that the amount to remain shall be \$18,829.00.

3. That the performance guaranty for Ryan Road Improvements, in the current amount of \$63,777.00 shall be reduced by \$31,816.00, so that the amount to remain shall be \$31,961.00.

4. That the cash guaranty for Ryan Road Improvements, in the current amount of \$5,798.00 shall be reduced by \$2,899.00, so that the amount to remain shall be \$2,899.00.

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. Ryan Meadows/Dan Werbler
- b. Township Engineer
- c. Edward G. Broberg, P.E., Manager  
T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
- d. Michael Krak, Supervising Chief Inspector  
T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
- e. Township Attorney

\*Copies of attached material to be found in regular minute book in Clerk's office.

As Council wished to get more information on Resolution #143-93 (Opposing A-1463 - Bill to Exempt New Trailer Parks from Rent Control for up to 30 years), Councilman Broderick moved that it be tabled. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. This will be discussed at the June 17th workshop meeting.

The following Resolution #144-93 (Authorizing Agreement with Mon. County - Public Bus Transportation) was introduced by reference, offered by Councilman Broderick, seconded by Council Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #144-92

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER  
INTO AN AGREEMENT WITH THE COUNTY OF MONMOUTH FOR  
PUBLIC BUS TRANSPORTATION

WHEREAS, the Township of Marlboro entered into an agreement on May 21, 1992, with the County of Monmouth to provide fixed route public bus transportation service in order to continue the Marlboro-Freehold public bus route to Raceway Mall; and

WHEREAS, the Township of Marlboro is desirous of entering into a similar agreement with the Monmouth County Board of Chosen Freeholders in order to continue the existing agreement from July 1, 1993, through June 30, 1994, under the same terms and conditions as the agreement covering last year; and

WHEREAS, a copy of the proposed continuation agreement between the Township of Marlboro and the County of Monmouth is attached hereto and made a part hereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest the attached Agreement between the Township of Marlboro and the County of Monmouth for fixed route public bus transportation service covering the period from July 1, 1993, through June 30, 1994.

2. That a certified copy of this Resolution be provided to each of the following:

- a. Richard C. Wenner, Clerk  
Monmouth County Board of Chosen Freeholders
- b. Harry Larrison, Jr., Director  
Monmouth County Board of Chosen Freeholders
- c. Steven R. Fittante, Director  
Monmouth County Department of Transportation
- d. Township Attorney

The following Resolution #145-93 (Authorizing Appraisal for Block 371, Lot 294 - Borders Robertsville Road and Manalapan Twp.) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 145-93

RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO OBTAIN AN APPRAISAL FOR TOWNSHIP OWNED PROPERTY LOCATED AT BLOCK 371, LOT 294 (BORDERS ROBERTSVILLE ROAD AND MANALAPAN TOWNSHIP)

WHEREAS, by letter dated May 14, 1992, the Greenbriar North Homeowners Association expressed an interest in purchasing from the Township the property located at Block 371, Lot 294, (borders Robertsville Road and Manalapan Township), which is adjacent to the Greenbriar development; and

WHEREAS, the Township Council is interested in potentially disposing of the said parcel pursuant to N.J.S.A. 40A:12-1 et. seq., and would like to obtain an appraisal as to its current fair market value.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Business Administrator is authorized to obtain an appraisal for the property owned by the Township at Block 371, Lot 294 (borders Robertsville Road and Manalapan Township).

2. That a certified copy of this Resolution be provided to each of the following:

- a. Robert J. Albertson, Business Administrator
- b. Larry Thomas, Association Manager  
Greenbriar North Homeowners Association
- c. Township Engineer
- d. Township Tax Assessor
- e. Township Attorney

The following Resolution #146-93 (Amending Res. #113-93 - Colts Hill Corp.) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #146-93

RESOLUTION AMENDING RESOLUTION NO. 113-93, PASSED BY THE TOWNSHIP COUNCIL ON APRIL 22, 1993 (DELETING PROPERTIES FROM COLTS HILL CORPORATION LIEN)

WHEREAS, on April 22, 1993, the Township Council passed Resolution No. 113-93, which deleted seven (7) parcels from the lien on the property formerly owned by the Colts Hill Corporation at Block 154, Lot 1; and

WHEREAS, subsequent to the passage of said Resolution, the Tax Collector has advised that Block 154, Lot 1 was actually subdivided into thirty-eight (38) parcels rather than thirty-six (36) residential building lots (see second Whereas clause on attached); and

WHEREAS, the Township Council wishes to amend Resolution No. 113-93 to reflect the correct number of parcels.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Resolution No. 113-93 shall be amended so that the second Whereas clause shall provide that Block 154, Lot 1 was subdivided into thirty-eight (38) parcels.

2. That a certified copy of this Resolution be provided to each of the following:

- a. Marlboro Township Tax Collector
- b. Marlboro Township Tax Assessor
- c. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot: Res. #147-93 (Senior Cit. Ded. - Block 120, Lot 10), Res. #148-93 (Redemption Tax Sale Certs. (Various), Res. #149-93 (Overpayment of Taxes - Block 252, Lot 19), and Res. #150-93 (Refunds to WMUA - Various).

RESOLUTION #147-92

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 1993 for Block 120 Lot 10 assessed to Sarah Lee Powell,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the above-mentioned deduction which totals \$250.00 to the respective block and lot.

RESOLUTION #148-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$10,845.54 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$10,845.54 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-152	395/7	Gregory Hauke	121.12
92-1	106/3	Rudy & Connie Wobito	556.78
92-143	192/5	L. Aiese	382.76
91-5	154/19	Russell Reeves	5,118.46
92-22	" "	" "	<u>4,666.42</u>

TOTAL-----\$10,845.54

RESOLUTION #149-93

WHEREAS, a duplicate payment for 1993 second quarter taxes has been received in the amount of \$1,379.37 for Block 252 Lot 19, assessed to Livescu, Dorel & Gabriela,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which total \$1,379.37 to the respective taxpayer.

RESOLUTION #150-93

WHEREAS, current sewer charges totaling \$2,365.58 have been paid by property owners along with redemptions of third party liens as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,365.58 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>TTL/TSC #</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
TSC 92-152	395	7	584.60
TTL 90-19	122	37	855.61
TSC 92-143	192	5	565.45
TSC 92-122	294	1	359.92

TOTAL----\$2,365.58

The following Resolution #151-93 (Award of Bid: Renovation and Addition to Township Library) was introduced by reference, offered by Council Vice President Gurtman and seconded by Councilman Broderick. Library Board Chairman Bill Mechmann was present, and answered all Council's questions. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #151-93

BE IT RESOLVED THAT:

1. VARIOUS VENDORS (SEE ATTACHED) be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Renovation and Addition to Township Library

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

SEE ATTACHED

on their low bid of: SEE ATTACHED

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #152-93 (Supporting Funding for Drug Alliance Program) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #152-93

WHEREAS, drugs and alcohol abuse effects many lives in New Jersey, especially our youth, and

WHEREAS, the best way to combat the problem with drug and alcohol abuse in New Jersey is through prevention and education programs established within every New Jersey community, and

WHEREAS, the best way to assess the community needs is through various representation from community leaders of each municipality, and

WHEREAS, the Municipal Alliance program established in 1989 (NJS 2C:35-15) and administered through the Governor's Council on

\*Copies of attached material to be found in regular minute book in Clerk's office.

Alcohol and Drug Abuse, has enabled municipalities to establish their own Municipal Alliance by volunteers representatives from the community that include Mayors, Board of Education, Superintendent of Schools, Chiefs of Police, PTAs, religious organizations, chambers of commerce, health officials and other concerned citizens and have been spending numerous hours implementing programs for the prevention and education of drugs and alcohol, such as D.A.R.E. (Drug Abuse Resistance Education), workshops, alcohol and drug free dances, etc., for the youth of New Jersey; and

WHEREAS, the Office of Legislative Services has recommended that one of the "cuts" for FY 1994 state budget include the discontinuance of the Municipal Alliance program, and

WHEREAS, without the continuance of the Alliance program and the use of the Drug Enforcement Demand Reduction (DEDR) funds, the time and effort spent by thousands of volunteers across the State of New Jersey will be lost, and

WHEREAS, thousands of seniors, parents, individuals, adolescents, and children will be affected by the loss in programming across New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro supports the efforts of the Alliances and requests State Senator Robert Littel and Assemblyman Ronald Frelinghuysen, Chairmen of the Senate and Assembly Appropriations Committee, respectively, to continue the Alliance program and support Assembly Bill No. 1201 to ensure that the DEDR funds are used for its original intent, for the sole purpose of the Alliance program.

The following Resolution #153-93 (Exempt Fireman - Henry T. Smith) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #153-93

WHEREAS, Henry T. Smith has served in the Morganville Independent Fire Company as a member for a period of seven years, and

WHEREAS, the Morganville Independent Fire Company has recommended to the Marlboro Township Council that Henry T. Smith be designated an Exempt Fireman pursuant to NJS 40A:14-56 and,

WHEREAS, it has been certified to the Marlboro Township Council that Henry T. Smith has met all of the requirements for such designation:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED:

1. That the Township Council of the Township of Marlboro hereby designates Henry T. Smith as a seven (7) year Exempt Fireman pursuant to NJS 40A:14-56.
2. That the Township Council extends its Congratulations and thanks to Henry T. Smith for his services as a Volunteer during the past seven (7) years.

Administrative Report - Mayor Scannapieco announced that a township resident, Dory Mark, is a candidate for Mrs. New Jersey, and asked for an expression of support. The Mayor will put together a letter for his signature and that of the Council President. Mayor Scannapieco also announced the activities for Memorial Day Weekend, to be held Sunday, May 30th, and invited Council to participate in the parade. The Mayor mentioned to the Council that this week the Mayor's Task Force had their one-year anniversary meeting, and announced that they had made quite a bit of headway on the summer job bank for Marlboro students, and were successful in security 30 jobs.

Public Session - William P. Barton, Jr. - 77 Steeplechase Drive - commended the Road Dept. for their prompt pickup of brush. He also asked that extending the hours of the Recycling Center be looked into. Mr. Barton also brought up cable services, and asked when the franchise expires. His questions were answered by Council. He also asked about the shopping center on Route 520 & 79 using the hydrant for watering of the lawn. Business Administrator Bob Albertson responded that this is usually worked out between the Water Company and the business temporarily, until the water is turned on.

At 10:10 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *June 24, 1993*

OFFERED BY: *Friedman*

AYES: *5*

SECONDED BY: *Carpiano*

NAYS: *0*

*Evelyn Piccolini*  
 \_\_\_\_\_  
 EVELYN PICCOLINI  
 MUNICIPAL CLERK

*Herbert Lichter*  
 \_\_\_\_\_  
 HERBERT LICHTER  
 COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

June 17, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on June 17, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter. Councilman Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson and Deputy Clerk Alida DeGaeta.

The following Resolution #154-93 (Authorizing Letter of Representation and Authorizing Mun. Representative To Do All Things Necessary - Mon. County Improvements Authority Lease Program) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 154-93

A RESOLUTION OF THE TOWNSHIP OF MARLBORO, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 1993 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS.

WHEREAS the Township of Marlboro (the "Municipality") desires to lease and purchase and finance the cost of acquisition of certain capital equipment (the "Equipment") from the Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 1993 (Marlboro Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority;

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 1993, there has been prepared and submitted to the Municipality a Letter of Representation in the form attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MARLBORO, AS FOLLOWS:

SECTION 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 2. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Agreement and for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 1993 and all related transactions contemplated by this resolution.

SECTION 3. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

SECTION 4. This resolution shall become effective immediately.

Res. #155-93 (Authorizing Greenbriar North Settlement) was carried to the June 24 meeting, as the final agreement had not yet been finalized.

Regarding Item 2 (Mayor William H. Williams), Mayor Williams of Freehold Township announced that Freehold Township will be celebrating their 300th anniversary, and invited Marlboro to participate in the parade to be held on Oct. 31st. Mayor Williams will send an application to participate to Mayor Scannapieco, who will coordinate this with this with

administration, the Council and the Recreation Department.

Regarding Item 3 (Review of Amusement Machine Ords), Zoning Officer Frances Kessler was present for the discussion. Council's remaining concerns were satisfied after such discussion. However, Council felt more comfortable having the Township Attorney review these ordinances one more time before taking action, to check on the constitutionality of the age requirement. Council also asked Mrs. Kessler to discuss the arcade licensing ordinance with Chief Walker. First Reading of these ordinances will take place at the July 15th meeting.

Council then discussed Item 10 (Request to Purchase Township Property - Parker). George Hovankic, Attorney for the Parkers, was present for the discussion. It had been determined by the Zoning Officer that the lot that the Parkers wish to purchase is a non-conforming lot, as the zoning of that property would have been a R-60 zone, had it not been a municipal zone. The property can, therefore, be sold to an adjoining property owner. The township would have an appraisal done to determine fair market value, and offer it for sale to the adjoining property owners, one being the Parkers and the other being the Estate of Robinson. Council moved a resolution authorizing the appraisal to the June 24th meeting. After the appraisal is completed, the township will then proceed with offering the property for sale at fair market value to the adjoining property owners.

Regarding Item 4 (Parking In Circle - Walter Holtz), Mr. Holtz brought to Council's attention that parked cars in the circle around the Municipal building are creating a fire hazard. He asked that Council consider designating that area a fire zone, to prevent parking, by adoption of an ordinance. Council agreed, but asked that Chief Walker be informed as to Council's intentions, as Council was concerned with the discharging of prisoners. Council moved such ordinance to the June 24th meeting for First Reading, if it has been reviewed by Chief Walker by that date.

Regarding Item 5 (Review of Construction Fees), Construction Official Bill Newman was present to ask that Council amend the fees for construction permits to conform to the State Uniform Construction Code computer program. He stated this would mean adjusting some fees upward slightly and some downward, therefore, revenue would not be affected. Council moved the amendment to the construction fees to the June 24th meeting for First Reading.

Regarding Item 6 (Early Retirement Program), Business Administrator Bob Albertson explained that the State is offering an early retirement program for employees in the PERS pension system. He explained the three categories, and stated that he has not yet received notice from the State on who is eligible. He estimated that two to four employees would be covered under the new early retirement. He also stated that Council would have to adopt a resolution by Sept. 1st. Township Attorney John Bennett was asked to review the previous resolution adopted by Council in 1991, and to consult with Mr. Goldzweig, the former Township Attorney. Council also asked that Business Administrator Bob Albertson get the figures on what the Township's cost would be. This will be discussed as soon as more information is forthcoming from the State and Township Attorney.

Regarding Item 7 (Amendment to Mobile Home Park Ordinance), Council moved the amendment providing for twice a week garbage removal by the landlord to the June 24th agenda, for First Reading.

Regarding Item 8 (Construction at Apgar - Route 79), Township Engineer David Birnbaum informed Council that a serious situation exists on the Apgar property, as a berm constructed to protect the property is eroding. The berm had been constructed at the time when DOT diverted Big Brook and constructed the Big Brook bridge, nearly 40 years ago. Mr. Birnbaum estimated that the cost would be approximately \$15,000 for State permits and reconstruction of the berm. Mr. Birnbaum stated that the State has refused to take any responsibility in this matter. Although Council sympathized with Mrs. Apgar's plight, they felt they could not expend taxpayer dollars to correct a problem on private property which was caused by a State agency. Township Attorney John Bennett stated that legally he felt Council should not go on private property to do work for a private property owner. Council asked the Township Attorney to compose a resolution to the State, asking them to take responsibility for the problems which they caused. This resolution was moved to the June 24th agenda.

Regarding Item 9 (Elimination of Easement - Enclosure at Marlboro), Assistant Engineer Dean Staknys explained that the drainage easement is no longer necessary. Perry Perreira, representing the developer, was present to answer Council's questions. After discussion, Council moved the ordinance to vacate this drainage easement to the June 24th agenda for First Reading, if the metes and bounds for such easement are ready.

Regarding Item 11 (MacDonald Property - Route 79), Mr. Raffetto stated that the Mon. County Board of Health had been to the property, and found that at this point the problem cannot be

considered a health emergency. At that point, they would take corrective action and then proceed to determine who is responsible. Township Attorney John Bennett will contact the Board of Education to alert them of the problem and asking for assistance, and Council moved a resolution asking the DOT to take remedial action to the June 24th agenda.

Regarding Item 12 (Mason Contract), David Birnbaum asked Council if they wish to continue the Mason Contract as is and amend the ordinance accordingly, or start excluding aprons. After discussion, Council asked that the Township Attorney check how any decision may be impacted by a future settlement of a lawsuit. This will be discussed further at the July 15th meeting.

Regarding Item 13 (Request for Fees for Tapes), the ordinance establishing such fees was moved to the June 24th agenda for First Reading.

Regarding Item 14 (Report from BA re Trash Collection/Debris), Business Administrator Bob Albertson reported that dumping along roadways and rights of way is increasing, and approaches on how this will be handled should be discussed. Also, Mr. Albertson stated that residents are starting to complain about the limitation on what the township collects as recyclables. A review of the township recycling policy should also be addressed shortly. As the landfill is no longer accepting grass and leaves, this is also creating problems. Mr. Albertson stated he will come back to Council with a series of proposals addressing these problems in the near future.

Regarding Item 15 (Agreement - Marlboro Township and De Ville Builders - C of Os), Township Attorney John Bennett informed Council that on some of their properties the porch steps were constructed outside of the footprint. Mr. Bennett informed them they would have to go to the Zoning Board for variances on these properties, and post money with the township that if the variances are not granted, the moneys would be utilized for the purpose of having the porch steps removed. He asked Council for authorization to have the agreement executed, and this resolution was moved to the June 24th agenda.

Regarding Item 16 (Marlboro Hillside Apartments Advisory Board), Council discussed the configuration of the Board, and asked that the draft ordinance be changed so that Council appoints two voting members not affiliated with the same political party. Council then moved this ordinance to the June 24th agenda for First Reading.

Regarding Item 17 (Emergency Services Benefits Ord. - Definition of Active Member), Council President Lichter brought to Council's attention that a question had come up with as to whether life members of the Fire Companies would be considered active members, and also whether the alarm fee would be covered under the fees to be waived. After discussion, it was the Township Attorney's interpretation and Council's that life members are not considered active members, and that all municipal fees, unless specifically excluded, are included. Council also discussed whether the swim pool fee could be included. The Mayor informed them that the Swim Division would have to vote on this, as they are a separate entity. The Township Attorney was asked to send a letter to the Swim Division asking them to consider waiving the pool fee.

Regarding Item 18 (Information on WMUA Property/Res. #109-93 - Forgiving Payment of Taxes), Council had received information on Block 170, Lot 59, as to its location (off Wylie Terrace, and Fletcher Drive), and whether it could be used by the Township for a municipal purpose. The map provided showed a stream running through the property, and therefore, it would not be usable. Council moved Res. #109-93 to the June 24th agenda.

Regarding Item 19 (Opposing A-1463 - A Bill to Exempt New Mobile Home Parks from Municipal Rent Control For up to Thirty Years), Council removed this resolution from the agenda.

The following items were moved to the June 24 agenda: Item 21 (Res./Ord. - Amendment to Sales Map Ordinance), Item 22 (Res. - Bond Release Marlboro Medical Center), Item 23 (Res. - Bond Reduction Exxon Site Plan), Item 24 (Renewal of 1993 Liquor Licenses), Item 25 (Place to Place Transfer - Morganville Bar & Grill), Item 26 (Res. - Authorizing Grant Application - H.P.R.O.A. \$16,800), Item 27 (Res. S.S.N.P. Grant - \$29,625), Item 28 (Authorizing Expert - Petrizzo Case), Item 29 (25th Anniversary of Marlboro Library), Item 30 (Tax Collector Resolutions), Item 31 (Res. Raffle License - Marlboro Pop Warner), and Item 32 (Res. Award of Bid - Police Uniforms).

Regarding Item 33 (Amendment to 1993 Municipal Budget), Council discussed the \$21,000 that had been placed in the Road Dept. budget, and agreed that it be moved to the Police Dept. to hire an additional patrol officer. The resolution amending the budget was moved to the June 24th agenda.

Item 34 (General Comments and Recommendations), and Item 35 (Correction and/or Approval of Minutes: May 6, May 13 & May 27, 1993) were moved to the June 24th.

Good & Welfare - Council President Lichter mentioned the letter from Lisa Harmon thanking Council for the resolution supporting the alliance. He also brought Council's attention to the update from Mr. Albertson on the 911 system, which Council had requested at the May 27 meeting. Business Administrator Bob Albertson informed Council that Mr. Buracker is on vacation, but he did pass along Council's request for information, and will schedule a meeting upon his return. Mayor Scannapieco informed Council that the townwide clean-up will be conducted next week, and notification will be sent to each resident tomorrow. It will be conducted by township personnel, with dumpsters being provided by the cartage company. No bidding was necessary, as the cost of the dumpsters is under the bidding threshold.

Regarding Item 20 (Amending Section 84-38 (LC Zone), Mayor Scannapieco asked that Council consider changing the provisions as per the draft. He stated that the development for which this was created may not be built as a golf course, but as a park instead. If so, there would be less in the way of fees and funding available. Therefore, it was suggested that some discretion to adjust developer contributions by the Planning Board be given, as opposed to having a fixed amount. After discussion, Council moved this to the June 24 agenda for First Reading.

At 00:00 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purpose of discussing personnel (negotiations). This was seconded by Council President Lichter and as there was no objection, the Clerk was asked to cast one ballot for the following resolution. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17th day of June, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 1 hour. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 12:30 PM, Councilman Friedman moved that the meeting be opened and then adjourned. This was seconded by Council President

Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *July 15, 1992*

OFFERED BY: *Friedman*

AYES: *5*

SECONDED BY: *Carpono*

NAYS: *0*

*Evelyn D. Piccolini*

---

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

---

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

June 24, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on June 24, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, Council Vice President Gurtman and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta

Citizen's Voice - There was no one who wished to speak.

Council Speaks Out - Councilman Carpiano pointed out that this is the third year with no municipal tax increase, not the second, as had been reported in the newspapers.

The following Resolution #156-93 (Congratulating 25th Anniversary of Marlboro Library) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Council President Lichter also presented a plaque to Bill Mechmann, on behalf of the Mayor and Council.

RESOLUTION # 156-93

WHEREAS, the Marlboro Free Public Library will celebrate twenty five years of service to the Township of Marlboro as a branch of the Monmouth County Library on June 18, 1993; and

WHEREAS, on June 18, 1968, by a decision of the Mayor and Township Council, the Marlboro branch was opened as a small reading room located within the Police/Road Department Building on Route 79 in Marlboro Village; and

WHEREAS, in 1973, with the continued use and support of the community, the Library was relocated to larger quarters near the Wickatunk Post Office on Route 79; and

WHEREAS, the Library continued to expand and moved into a new building adjacent to the Municipal Complex in 1975 where it is presently located and has been enlarged twice since then; and

WHEREAS, during this twenty five year period the Marlboro Branch of the Monmouth County Library has grown to its present size of 9,975 square feet and has for the past nine consecutive years led all eight branches in the circulation of books and participation in children's programs; and

WHEREAS, the Library Board of Trustees has been awarded a construction grant from the State Library of New Jersey and with the unanimous cooperation and support of the Mayor and Township Council in appropriating the necessary funds, a renovation and construction program is now in progress to expand to 16,500 square feet in order to better serve the residents of Marlboro;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That the Mayor and Township Council of the Township of Marlboro are especially pleased with the growth of the Marlboro Free Public Library as a community cultural facility and as an outstanding branch of the Monmouth County Library system.
2. That the Mayor and Township Council wish to commend to the Library Board of Trustees for their leadership and voluntary service without fee to the Township of Marlboro.
3. That the Mayor and Township Council give special recognition to Jennifer King, Librarian and the entire staff for their courtesy and sharing of information with all library users, and especially Florence Voorhees who has served during the entire twenty five year period.
4. That the Mayor and Township Council express their gratitude on behalf of all the people of the Township of Marlboro to the Marlboro Free Public Library and the Monmouth County Library.

Councilman Friedman moved that the minutes of May 6, May 13 and May 27, 1993 be approved. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Lichter opened the Public Hearing on the 1993 Municipal Budget. As there was no one who wished to speak, the Public Hearing was closed. After discussion on the budget, the

following Resolution #156A-93 was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #156A-93

WHEREAS, pursuant to 40A:4-8 of the statutes of the State of N. J., a public hearing shall be held at a place and time specified in the advertisement for the purpose of having a public hearing on the municipal budget of the Township.

WHEREAS, the Township of Marlboro did duly advertise in accordance with law the 1993 Municipal Budget in the Asbury Park Press on June 14, 1993, and has posted said budget in the Municipal Building, and has made available to any interested persons a copy of said budget pursuant to the statute.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it shall proceed to Public Hearing of the 1993 of the Municipal Budget by a reading of the Municipal Budget by title only, having set forth the conditions and standards in 40A:4-8.

The following Resolution #157-93 (Amendment to 1993 Municipal Budget) was introduced by reference, offered by Council President Lichter and seconded by Councilman Broderick. Discussion followed on the transfer of the \$21,000 from the Road Dept. to the Police Dept. After such discussion, as there was no objection, the Clerk was asked to cast one ballot on Res. #157-93.

RESOLUTION # 157-93

RESOLUTION TO AMEND BUDGET

WHEREAS, the local municipal budget for the year 1993 was approved on the 27th day of May 1993, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget, now

THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Marlboro, County of Monmouth, that the following amendments to the approved budget of 1993 be made:

From To

8. General Appropriations:  
 A) Operations- Within "CAPS"  
 GENERAL GOVERNMENT:  
 Public Safety:

Police		
Salaries and Wages	\$2,725,316.00	\$2,746,316.00
Road Repairs and Maintenance		
Other Expenses	\$154,232.40	133,232.40
Detail:		
Salaries and Wages	\$5,780,086.03	\$5,801,086.03
Other expenses (Including Contingent)	\$4,080,985.40	\$4,059,985.40

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J. S. A. 40A:4-9, be published in the Asbury Park Press in the issue of June 28, 1993 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Complex on July 1, 1993, at 8 o'clock P.M.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 24th day of June, 1993.

SO RESOLVED, as aforesaid.

The following Resolution #158-93/Ord. #24-93 (Amending Bond Ord. #29-93 - Library) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #24-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #158-93

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

ORDINANCE # 24-93

BOND ORDINANCE AMENDING BOND ORDINANCE  
NO. 29-92 PROVIDING FOR VARIOUS CAPITAL  
IMPROVEMENTS TO BE UNDERTAKEN IN AND BY 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.

ORDINANCE # 24-93

BOND ORDINANCE AMENDING BOND ORDINANCE  
NO. 29-92 PROVIDING FOR VARIOUS CAPITAL  
IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE  
TOWNSHIP OF MARLBORO, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY.

WHEREAS, the Township Council of the Township of Marlboro, New Jersey (the "Township") has heretofore adopted Bond Ordinance No. 29-92 (the "Bond Ordinance") which authorized various capital improvements; and

WHEREAS, it is desirable to amend the amount set forth under Section 6(d) of the Bond Ordinance with respect to the amount permitted under Section 20 of the Local Bond Law of the State of New Jersey constituting Chapter 2 of Title 40 of the New Jersey Statutes, as amended and supplemented; and

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

Section 1. The amount of \$63,200 set forth in Section 6(d) of the Bond Ordinance is hereby amended to "\$150,000").

Section 2. All other provisions of said Bond Ordinance shall remain unchanged.

Section 3. This Bond Ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by law.

The following Resolution #159-93/Ordinance #25-93 (Participation in Community Development Program) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #25-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #159-93

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

ORDINANCE # 25-93

ORDINANCE AUTHORIZING THE MAYOR AND MUNICIPAL CLERK  
TO EXECUTE AN AGREEMENT WITH MONMOUTH COUNTY FOR  
COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT  
PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

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

The following Resolution #160-93/Ordinance #26-93 (Rezoning - R-60 to R-25 - Ryan Road Area) was introduced by reference, offered by Councilman Gurtman and seconded by Council President Lichter. Council President Lichter opened the Public Hearing on Ord. #26-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 160-93

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

ORDINANCE # 26-93

AN ORDINANCE AUTHORIZING THE REZONING OF VARIOUS LOTS  
IN BLOCK 392 (BUILDER'S PRIDE, RYAN ROAD),  
IN THE TOWNSHIP OF MARLBORO, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY

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

The following Resolution #161-93/Ordinance #27-93 (Establishing Section 113-6.2 - Public Nuisance) was introduced by reference, offered by Councilman Gurtman and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #27-93. James Le Pore, Esq., Attorney for Mr. & Mrs. Januskiewicz, spoke against this ordinance, and asked that Council not proceed with its adoption as he felt it will eventually be struck down by the Courts. After discussion, roll call was then taken, which passed on a 3 - 1 vote in favor, with Councilman Broderick voting no, and Councilman Gurtman abstaining.

RESOLUTION # 161-93

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

ORDINANCE # 27-93

AN ORDINANCE ESTABLISHING SECTION 113-6.2 (PUBLIC  
NUISANCE) OF CHAPTER 113 (PROPERTY MAINTENANCE) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #162-93/Ordinance #28-93 (Amending Section 84-38 LC Zone) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #28-93. Russell Reeves - Reids Hill Road, Morganville - spoke against the ordinance, as he felt that land that comes to the town as a result of clustering should remain as open space. As there was no one else who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 162-93

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

ORDINANCE # 28-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-38 (LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #163-93/Ordinance #29-93 (Amending Fee Schedule B - Escrow Fees) was introduced by reference, offered by Councilman Friedman, and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #29-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #163-93

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

ORDINANCE # 29-93

AN ORDINANCE AMENDING AND SUPPLEMENTING LAND USE FEE SCHEDULE B (ESCROW FEES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #164-93/Ordinance #30-93 (Amending Section 84-4 - Definition - Front Yard) was introduced by reference, offered by Councilman Friedman and seconded by

Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #30-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 164-93

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

ORDINANCE # 30-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4 (DEFINITIONS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #165-93/Ordinance #31-93 (Amending Section 84-58 - Fences) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #31-93. Hy Grossman - 24 Guest Drive, Morganville - asked for a clarification of the ordinance, which was given by Township Attorney John Bennett. As there was no one else who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 165-93

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

ORDINANCE # 31-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-58 (FENCES) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #166-93/Ordinance #32-93 (Amending Tables I & II of Chapter 84 - Corner Lots) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Friedman. Council President Lichter opened the Public Hearing on Ord. #32-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 166-93

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

ORDINANCE # 32-93

AN ORDINANCE AMENDING AND SUPPLEMENTING TABLES I AND II (SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #167-93/Ordinance #33-93 (Amending Various Sections of Chapter 84 - Corner Lots) was introduced by reference, offered by Councilman Broderick and seconded by Council President Lichter. Council President Lichter opened the Public Hearing on Ord. #33-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 167-93

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

ORDINANCE # 33-93

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #168-93/Ordinance #34-93 (Bond Ord. - Various Capital Improvements - \$1,800,000) was introduced by reference, offered by Councilman Broderick and seconded by Council President Lichter. Council President Lichter opened the Public Hearing on Ord. #34-93. Hy Grossman - 24 Guest Drive - asked how quickly will the financing be ready, so that the work can get started. Business Administrator Bob Albertson responded that the bond issue will be struck by July 15th. As there was no one else who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 168-93

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

ORDINANCE # 34-93

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,800,000 FOR VARIOUS CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

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

ORDINANCE #34-93

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,800,000 FOR VARIOUS CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,710,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

## SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Marlboro, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,800,000, such sum includes the sum of \$90,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

## SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,710,000 pursuant to the

provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,710,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Construction of Township Community Center, including the acquisition of all work and materials necessary therefor or incidental thereto	\$1,420,000	\$1,349,000	20 years
Various Improvements to Town Hall and Town Hall annex, including the acquisition of all work and materials necessary therefor or incidental thereto	38,000	36,100	15 years
Resurfacing and restoration of various Township roads, including Clayton Lane, Stockton Road, Millay Road, Texas Road, Ryan Road, School Road East, Pleasant Valley Road, Crine Road, Old Mill Road, Roosevelt Avenue, Wilson Avenue, Baldwin Street, Bauers Lane, Nolan Road, the intersection of Spring Valley Road and Texas Road, including, as required, excavation, milling, drainage structures,	266,000	252,700	10 years

curbing, asphalt pavement, sidewalks, and also including the acquisition of all work and materials necessary therefor or incidental thereto

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Improvements to storm water system, including the acquisition of all work and materials necessary therefor or incidental thereto	24,000	22,800	40 years
Various improvements to the Township Municipal Buildings, including handicap access including the acquisition of all work and materials necessary therefor or incidental thereto	10,000	9,500	15 years
Acquisition of three pick-up trucks	42,000	39,900	5 years
<b>TOTAL PURPOSES</b>	<b>\$1,800,000</b>	<b>\$1,710,000</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,710,000.

(c) The estimated cost of the Improvements is \$1,800,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment for each purpose.

#### SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The

Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 18.30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the

Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,710,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$195,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

(a) This Section 9 constitutes a declaration of official intent under Treasury Regulation Section 1.103-18.

(b) The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Township incurs debt obligations under this Bond Ordinance.

(c) The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance.

(d) The maximum principal amount of debt expected to be issued for reimbursement of prior expenditures for the Improvements is \$1,710,000 under this Bond Ordinance.

(e) No funds from sources other than the debt to be incurred by the Township are, or are reasonably expected to be,

reserved, allocated on a long-term basis, or otherwise set aside by the Township or any member of the same controlled group as the Township pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

(f) Within thirty (30) days after the date of adoption of this Bond Ordinance and declaration of official intent, it shall be made available for public inspection at the main administrative office of the Township at 1979 Township Drive, Marlboro, New Jersey, and shall remain available for public inspection during the Township's regular business hours until the date of issuance of the debt obligation to be used to reimburse the prior expenditures.

**SECTION 10:**

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution #169-93/Ordinance #35-93 (Amend Chapter 92 - Mobile Home Communities) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 169-93

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

ORDINANCE # 35-93

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 18-93 (ESTABLISHING CHAPTER 92 - MOBILE HOME COMMUNITIES: LICENSING AND MAINTENANCE), WHICH WAS ADOPTED ON APRIL 22, 1993.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 35-93

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 18-93 (ESTABLISHING CHAPTER 92 - MOBILE HOME COMMUNITIES: LICENSING AND MAINTENANCE), WHICH WAS ADOPTED ON APRIL 22, 1993.

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

1. Ordinance No. 18-93 (Establishing Chapter 92 - Mobile Home Communities: Licensing and Maintenance), which was adopted by the Township Council of the Township of Marlboro on April 22, 1993, is hereby amended and supplemented to add the following provision to Section 92-2 (Maintenance):

G. Provide twice a week garbage removal.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #170-93/Ordinance #36-93 (Amend Section 84-38 - Land Conservation Zone) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 170-93

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

ORDINANCE # 36-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-38 (LC - LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 36-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-38 (LC - LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-38 (LC - Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection H(1)(c)[6] as follows:

[6] As an alternative to complying with Subsection H(1)(c)[5], which immediately precedes this subsection, and at the option of the developer, the developer ~~shall~~ may donate and pay over to the Township for purposes of preservation of the environment and fostering public recreational facilities the sum of twenty thousand dollars (\$20,000.00) per building lot, payable ten percent (10%) at the time of preliminary approval and the balance at the time of the issuance of certificates of occupancy. The Planning Board may, in its discretion, reduce this fee on a per application basis. Out of said sum, one thousand dollars (\$1,000.00) per building lot shall be utilized to create a fund to pay for the water hookup of any dwelling existing at the time of the application for preliminary approval, which dwelling is within one hundred (100) feet of the waterline to be installed in connection with the application and which would be required to be connected to the water system installed for the Golf Course Residential Community. For existing dwellings more than one hundred (100) feet from the waterline for which water connection is not mandatory, one thousand dollars (\$1,000.00) shall be utilized to pay for a hookup and to contribute toward the first one hundred (100) feet of pipe, if the owner elects to hookup to public water.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #171-93/Ordinance #37-93 (Establish Section 6-116.1 - Marlboro Hillside Apartment Advisory Board) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 171-93

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

ORDINANCE # 37-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
 ARTICLE XVI (DEPARTMENT OF COMMUNITY RELATIONS)  
 OF CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) OF  
 THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"  
 TO ESTABLISH SECTION 4-116.1 (MARLBORO HILLSIDE  
 APARTMENTS ADVISORY BOARD).

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 37-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
 ARTICLE XVI (DEPARTMENT OF COMMUNITY RELATIONS)  
 OF CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) OF  
 THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"  
 TO ESTABLISH SECTION 4-116.1 (MARLBORO HILLSIDE  
 APARTMENTS ADVISORY BOARD).

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

1. Article XVI (Department of Community Relations) of Chapter 4 (Administration of Government) of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented to establish the following new section:

SECTION 4-116.1. Marlboro Hillside Apartments Advisory Board.

A. There is hereby established within the Department of Community Relations, the Marlboro Hillside Apartments Advisory Board for the purpose of assuring that the Marlboro Hillside Apartment complex is operated in a manner that promotes a quality lifestyle and the well-being of its residents and the surrounding community and maintains municipal, state and federal operating and building standards.

B. The Marlboro Hillside Apartments Advisory Board shall be composed of seven (7) voting members, with two (2) alternate members. The Township Council shall appoint two (2) of the voting members, who shall not be affiliated with the same political party. One (1) voting member shall be a tenant representative elected by the tenants themselves upon full occupancy of the complex. The Mayor of the Township of Marlboro shall appoint the four (4) remaining voting members, as well as the two (2)

alternates. One of the Mayor's appointments shall be a resident of the Township of Colts Neck who has been recommended to the Mayor by the governing body of Colts Neck. In addition, one (1) shall be a member of the Board of Directors of the Monmouth Housing Alliance. The Mayor may appoint one (1) member of the Marlboro Township Affordable Housing Council to the Advisory Board. The Mayor will act as an ex officio member of the Board. The Executive Administrator of the Monmouth Housing Alliance will also serve as an ex officio member of the Board, in addition to staffing the Board. The chairperson of the Advisory Board will be elected by the full voting membership of the Board and will serve as a member of the Monmouth Housing Alliance Board of Directors. The Advisory Board, itself, will determine the length of terms and frequency of meetings, which will be no less than quarterly.

C. The Advisory Board shall exercise the following powers and duties:

1. Determine admission criteria within the restrictions of the State of New Jersey's Lease/Purchase Option Contract with the Monmouth Housing Alliance, the New Jersey Landlord-Tenant Legislation, the Federal Fair Housing Act and Municipal Mount Laurel Requirements.
2. Determine what methods are used to select eligible candidates for tenancy.
3. Recommend standards, policies and operating procedures governing the daily activities of the apartment complex.
4. Provide feedback to the Board of Directors of the Monmouth Housing Alliance related to maintenance and operations of the Marlboro Hillside Apartments.
5. Advocate for the best interests of the tenants to ensure the highest quality of living standards.
6. Review and recommend appropriate service contracts, staffing patterns and personnel selection of the manager and the project.
7. Provide regular feedback to the Monmouth Housing Alliance.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance of the law.

The following Resolution #172-93/Ordinance #38-93 (Amend Section 76-4 - Home Buyers Protection) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #172-93

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

ORDINANCE # 38-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 76-4 (REGULATIONS AND REQUIREMENTS)  
OF CHAPTER 76 (HOME BUYER'S PROTECTION) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 38-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 76-4 (REGULATIONS AND REQUIREMENTS)  
OF CHAPTER 76 (HOME BUYER'S PROTECTION) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

BE IT ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, as follows (additions are underlined):

1. Section 76-4 (Regulations and-Requirements) of Chapter 76 (Home Buyer's Protection) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

- A. Any owner or seller of land within the Township of Marlboro within a major subdivision or residential site plan who has obtained a preliminary approval to subdivide said land and construct homes thereon shall, prior to the sale of said lots or homes upon said lots, maintain a sales office, either within or outside the Township.
- C. The sales map shall be based on the Official Tax Map information or some other similarly accurate base at a scale of not less than one hundred (100) feet to the inch, or two hundred (200) feet to the inch (at the discretion of the

Municipal Engineer) throughout the map, which said scale shall be clearly indicated thereon and shall be consistent in all directions shown thereon. The map shall show the owner's approved subdivision and all lands contiguous thereto for a distance of one thousand five hundred (1,500) feet, within or outside the Township of Marlboro.

- D. The sales map shall clearly show and include for the area within one thousand five hundred (1,500) feet of the subdivision the following information:

(15) The location of any and all wetlands and wetland buffer areas within the property of the development as determined by field delineation and/or the N.J.D.E.P.E.

- E. Sales map information: update.

(1) The information to be depicted on the sales map shall be obtained from the Municipal Engineer, who shall provide said information to the applicant within thirty (30) days after a request is made. The Municipal Engineer shall provide such information as may be required by the applicant or his engineer to prepare the sales map, and, after a request for same, the information so provided shall be deemed complete for the purposes of complying with the requirements of this Chapter.

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution # 173-93/Ord. #39-93 (Amend Chapter 62 - Fees for Tapes) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 173-93

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

ORDINANCE # 39-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 62-4 (FEES) OF ARTICLE III (MUNICIPAL SERVICES) OF CHAPTER 62 (FEES) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 39-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
62-4 (FEES) OF ARTICLE III (MUNICIPAL SERVICES)  
OF CHAPTER 62 (FEES) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY"

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

1. Section 62-4 (Fees) of Article III (Municipal Services) of Chapter 62 (Fees) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following two (2) fees to the Municipal Services fee list as follows (additions are underlined):

SERVICE	FEE
Municipal Court discovery (payable in advance)	
Driving While Intoxicated Cases	\$15.00
All other Municipal Court discovery	\$10.00
Breathalyzer Ampule (per ampule)	\$5.00
<u>Audio cassette tapes (duplication thereof)</u>	\$10.00
<u>V.H.S video taxes (duplication thereof)</u>	\$25.00
Motor vehicle transportation fee	\$50.00
Motor vehicle storage fee	\$10.00 per day

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #174-93/Ordinance #40-93 (Amending Section 138-38 - Vehicles & Traffic - No Parking in Circle)

was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 174-93

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

ORDINANCE # 40-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-38 (SCHEDULE I: NO PARKING) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODES OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 40-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-38 (SCHEDULE I: NO PARKING) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODES OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-38 (Schedule I: No Parking) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following:

NAME OF STREET	Both	LOCATION
Township Drive Circle	Both	The traffic circle located immediately adjacent to the municipal complex.

2. The effectiveness of this ordinance shall be contingent upon proper signs being erected pursuant to law.

3. This ordinance shall be enforced by N.J.S.A. 39:4-138, parking in a prohibited area. Every person convicted of a violation shall be subject to the penalty expressly provided by this statute.

4. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

5. This ordinance shall take effect upon approval by the Commissioner, Department of Transportation.

The following Resolution #175-93/Ordinance #41-93 (Amend Construction Fees) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 175-93

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

ORDINANCE # 41-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 15, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 41-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 55-3 (Fees) of Chapter 55 (Construction Codes, Uniform) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined; deletions are crossed out):

A. Construction permit fees. The fees for a permit for any construction hereunder shall be as follows:

(1) Schedule A: Permit schedule.

(a) Alterations, repairs and remodeling:

- [1] Twenty dollars (\$20.00) per one thousand dollars (\$1,000.00) for the first seventy five thousand dollars (\$75,000.00); fifteen dollars (\$15.00) per one thousand dollars (\$1,000.00) for the next one hundred fifty thousand dollars (\$150,000.00); and ten dollars (\$10.00 per one thousand dollars (\$1,000.00) for the balance. There is a minimum fee of ~~twenty-five-dollars-(\$25.00)~~ thirty-five dollars (\$35.00) plus-zoning-fee-of-twenty dollars-(\$20.00)
- [2] Fences, swimming-pools, finished-basements-and decks-remain-at-fifteen-dollars-(\$15.00)-per one-thousand-dollars-(\$1,000.00): Fences shall be a flat fee of thirty-five dollars (\$35.00); swimming pools shall be a flat fee of sixty-five dollars (\$65.00); finished basements and decks shall be a flat fee of twenty dollars (\$20.00).

(d) Demolition or removal of:

- [1] Accessory buildings: ~~twenty-five-dollars (\$25.00)~~ fifty dollars (\$50.00).
- [2] Residential buildings: fifty dollars (\$50.00).
- [3] Commercial buildings: ~~one-hundred dollars-(\$100.00)~~ fifty dollars (\$50.00).
- [4] Asbestos: fifty dollars (\$50.00).

(e) Signs.

- [1] One dollar (\$1.00) per square foot of surface; minimum fee of ~~twenty-dollars-(\$20.00)~~ thirty-five dollars (\$35.00)
- ~~[2]--Application-for-variance--twenty-five-dollars (\$25.00)~~

(f) Certificates of Occupancy.

Type	Fee
Multiple certificate per unit	\$ 30.00
Certificate of occupancy (new)	\$ 30.00
Certificate of continued Occupancy (resale))	See Chapter 113
<u>Asbestos</u>	<u>\$ 30.00</u>
<u>Use group change</u>	<u>\$200.00</u>

## (g) Elevators.

- [1] The fee for a permit to install an elevator shall be twenty-five dollars (\$25.00) per unit, plus costs charged by an on-site inspection agency as follows for witnessing acceptance tests:

Device	Fee
Traction and winding drum elevators	
1 through 10 floors	\$225.00
Over 10 floors	\$375.00
Hydraulic elevators	\$200.00
Roped hydraulic elevators	\$225.00
Escalators and moving walks	\$200.00
Dumbwaiters	\$ 50.00
Stairway chairlifts, inclined and vertical lifts and manlifts	\$ 50.00
<u>Residential Devices</u>	<u>\$150.00</u>

- [2] Additional fees for devices equipped with:

Item	Fee
Oil buffers (per oil buffer)	<del>\$-40-00</del> \$43.00
Counterweight governor and safeties	\$100.00
Auxiliary power generator	\$ 75.00

- [5] Additional yearly periodic inspection fees:

Device	Fee
Oil buffers (per oil safeties)	<del>\$-40-00</del> <u>\$ 43.00</u>
Counterweight: governor and safeties	<del>\$-80-00</del> <u>\$100.00</u>
Auxiliary power generator	<del>\$-50-00</del> <u>\$ 75.00</u>

- [7] Additional fees shall be charged as follows:

Item	Fee
<u>Alterations</u>	<u>\$ 50.00</u>
<u>Plan Review</u>	<u>\$260.00</u>
<u>Plan Review (-3/R-4)</u>	<u>\$ 50.00</u>

There shall be a minimum fee of forty three dollars (\$43.00) and an administrative

surcharge of 15% of the total cost of inspection for all elevators.

(h) Plumbing.

Item	Fee	
Each fixture	\$10.00	\$ 8.00
Water Utility Connection	\$40.00	\$35.00
Sewer Utility Connection	\$40.00	\$35.00
Garbage disposal	\$10.00	\$ 8.00
Air-conditioner unit	\$40.00	\$35.00
Indirect connection	\$10.00	\$ 8.00
Sewer ejector:	\$40.00	\$35.00
Grease trap	\$40.00	\$35.00
Back flow device	\$40.00	\$35.00
Reduced pressure	\$40.00	\$35.00
Vent stack	\$10.00	\$ 8.00
Minimum plumbing fee	\$40.00	\$35.00
Application-for-variation---	<del>\$25.00</del>	
Domestic boiler/furnace	<del>\$40.00</del>	\$35.00
Gas-service-connection-----	<del>\$40.00</del>	
Gas-appliance-----	<del>\$10.00</del>	
Water conditioners/ filter systems/ refrigeration unit	\$40.00	\$35.00
Active Solar systems	\$40.00	\$35.00
Gas piping	\$ 8.00	
Fuel oil piping	\$35.00	
Steam Boiler	\$35.00	
Hot Water Boiler	\$35.00	
Sewer pump	\$35.00	

(2) Fire Subcode Fee Schedule.

(a) Sprinkler fees for wet and dry sprinkler heads.

Number of Heads	Fee
1 to 20	\$ 35.00
21 to 100	\$ 50.00
101 to 200	\$100.00
201 to 400	\$250.00
401 to 1,000	\$350.00
over 1,000	\$450.00

(b) Standpipe Additional fees. For each standpipe: one-hundred-dollars-(\$100.00) seventy-five dollars (\$75.00) for each incinerator: fifty dollars (\$50.00); for each crematorium: fifty dollars (\$50.00); for each gas or oil fired appliance: thirty-five dollar (\$35.00).

(c) Kitchen Pre-Engineered suppression systems. For

~~each system--thirty-five dollars-(\$35.00) fees shall be as follows~~

System	Fee
CO2 Suppression	\$50.00
Halon Suppression	\$50.00
Foam Suppression	\$50.00
Dry Chemical	\$50.00
Wet Chemical	\$50.00
Kitchen Hood Exhaust System	\$50.00

(h) Smoke and heat detectors.

Number	Fee	
1 to 6	20	
<del>More than 6</del>	<del>-----</del>	<del>\$-15.00</del>
21 to 100		\$60.00
101 to 200		\$111.00
201 to 400		\$212.00
401 to 1,000		\$550.00
over 1,000		\$761.00
Application for variance	<del>-----</del>	<del>\$25.00</del>
Minimum fire fee		\$35.00

(3) Electrical Fee Schedule.

(a) Switching, lighting and receptacle outlet (devices of less than one (1) horsepower or one (1) kilowatt included).

- [1] One (1) to fifty (50): ~~thirty dollars-(\$30.00)~~  
thirty-five dollars (\$35.00).
- [2] Each additional twenty-five (25): ~~five dollars~~  
~~(\$5.00)~~ eight dollars (\$8.00).

(b) Service panels Entrances and Subpanels.

- [1] ~~Each service panel of one hundred amperes or less: fifteen dollars-(\$15.00).~~ Each service panel, entrance or subpanel of two hundred (200) amperes or less: thirty five dollars (\$35.00) for two hundred to one thousand (1,000 amperes: forty-five dollars (\$45.00) for larger than one thousand (1,000) amperes: one hundred dollars (\$100.00).

- [2] ~~Each service panel excess of one hundred (100) amperes:--eight dollars-(\$8.00)--increase fee by five dollars-(\$5.00)-per one hundred (100)-ampere increment-in-excess-of-one hundred (100)-amperes.~~

- (c) ~~Each motor in excess of one (1) horsepower or one (1) kilowatt: eight dollars (\$8.00)~~  
Transformers and generators.
- [1] From one (1) kilowatt to ten (10) kilowatt: eight dollars (\$8.00).
- [2] From ten (10) kilowatt to forty-five (45) kilowatt: eight dollars (\$8.00)
- [3] From forty-five (45) kilowatt to one hundred twelve and one half (112.5) kilowatt: eight dollars (\$8.00).
- [4] If larger than above: eight dollars (\$8.00).
- (d) ~~Each Motors and electrical devices (control equipment, generator, transformer, heating air handling, compressor, heat pump, air handler, strip heater, water heater, dryer, oven, range, furnace and dishwasher): eight dollars (\$8.00);~~
- [1] From one (1) horsepower to ten (10) horsepower: eight dollars (\$8.00).
- [2] From ten (10) horsepower to fifty (50) horsepower: eight dollars (\$8.00).
- [3] From fifty horsepower (50) to one hundred (100) horsepower: eight dollars (\$8.00).
- [4] If larger than above: eight dollars (\$8.00).

2. All other ordinances or part of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

Councilman Carpiano moved that the following be tabled: Res. #176-93/Ord. #42-93 (Elimination of Easement), and Res. #155-93 (Authorizing Settlement - Greenbriar North Suit). The metes and bounds had not been received, and the final legal documents were not ready in the Greenbriar suit. Motion to table was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman. These were tabled to the July 15th meeting.

The following Resolution #109-93 (Forgiving WMUA Payment of Taxes) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #109-93RESOLUTION FORGIVING THE WESTERN MONMOUTH  
UTILITIES AUTHORITY FROM PAYMENT OF TAXES  
FROM THE 1992 ASSESSMENT OF BLOCK 270, LOT 59

WHEREAS, the Western Monmouth Utilities Authority is the owner of record of Block 270, Lot 59, on the Tax Map of the Township of Marlboro, which property is located on Route 9 and comprises approximately 6.79 acres of land; and

WHEREAS, N.J.S.A. 40:14B-63 provides that all property owned by a municipal authority is "hereby declared to be public property of a political subdivision of the State and devoted to an essential public and governmental function and purpose and... shall be exempt from all taxes and special assessments of the State or any subdivision thereof;" and

WHEREAS, the above property was assessed by the Township of Marlboro for the fiscal year 1992; and

WHEREAS, pursuant to the said statute, the property is exempt from taxation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Western Monmouth Utilities Authority shall be forgiven from the payment of any taxes resulting from the assessment of Block 270, Lot 59 for the fiscal year 1992 and/or a entitled to a refund of any taxes paid by it as a result of this assessment.

2. That a certified copy of this Resolution be provided to each of the following:

- a. James J. Cleary, Esq.  
Cleary Alfieri & Madden  
Route 34 & Broad Street, P.O. Box 533  
Matawan, New Jersey 07747
- b. Western Monmouth Utilities Authority
- c. Marlboro Township Tax Assessor
- d. Marlboro Township Tax Collector
- e. Township Attorney

The following Resolutions #177-93 (Authorizing HPROA Grant) and #178-93 (Including SSNP Grant - \$29,625) were introduced by

reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 177-93

WHEREAS, the Township of Marlboro desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for funding in the amount of \$14,000, State with \$2,800 local share for a total contract of \$16,800 for 1994 to carry out a program for special therapeutic recreation:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs, and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Marlboro and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized and directed to sign the application, the contract and any other documents necessary in connection therewith.

RESOLUTION # 178-93

RESOLUTION TO RECEIVE A 1993 SUPPLEMENTAL SAFE NEIGHBORHOODS PROGRAM STAFFING GRANT

WHEREAS, the Township of Marlboro in the County of Monmouth desires to participate in and receive a Supplemental Safe Neighborhood Program Staffing Grant as a non-Safe & Clean Neighborhoods Program participant, administered by the Division of Local Government Services in the New Jersey Department of Community Affairs, for the calendar year 1993; and

WHEREAS, the Municipality has been advised of its eligibility and Grant entitlement by the Division of Local Government Services; and

WHEREAS, the Municipality has included in its annual budget the necessary revenues and appropriations required for the Grant, and supported by documentation, as required, submitted to the Division of Local Government Services, and by the Grant Approval Certification prepared by the Chief Financial Officer; and

WHEREAS, the Terms and Conditions of this Grant as issued by the Director of the Division of Local Government Services have been reviewed by this Governing Body; and

WHEREAS, the amount of the Grant accepted by the municipality is \$29,625.00; and

WHEREAS, the annual budget, including the grant amount and local match, as required, has been submitted to the Director of the Division of Local Government Services for this approval.

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

1) the Terms and Conditions are herewith agreed to and made a part hereof; and

2) the Grant Approval Certification prepared by the Chief Financial Officer is hereby ratified and made a part hereof; and

3) this Resolution, the Terms and Conditions and Grant Approval Certification, shall be considered part of the municipal budget, and upon final approval of the budget and certification by the Director of the Division of Local Government Services, the budget and these documents shall represent the contract between the municipality and the Division of Local Government Services for this grant.

The following Resolution #179-93 (1992 Audit - General Comments and Recommendations) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #179-93

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 for the year 1992 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 certification 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 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 Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$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 Township 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.

The following Resolution #180-93 (Place to Place to Transfer - Morganville Bar & Grill) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION #180-93

RESOLUTION OF TOWNSHIP OF  
MARLBORO APPROVING PLACE-TO-PLACE  
TRANSFER OF PLENARY RETAIL  
CONSUMPTION LICENSE #1328-33-007-003

WHEREAS, Morganville Bar and Grill, Incorporated, t/a The Ville, filed an application with the Township of Marlboro to permit a place-to-place transfer of Plenary Retail

Consumption License #1328-33-007-003, a location at 29 Tennent Road to another location at 29 Tennent Road; and

WHEREAS, said application has qualified by duly advertising in The Asbury Park Press on June 14, 1993 and June 21, 1993, as required by law, and has produced Affidavits of Publication as to said advertising; and

WHEREAS, all the other necessary requirements have been fulfilled and the Mayor and Township Council, after making investigation, find that no protests have been received:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that Plenary Retail Consumption License #1328-33-007-003 now held by Morganville Bar and Grill, Incorporated t/a The Ville covering the herein described premises be transferred as follows, providing that the effective date of transfer shall be 12:01 A.M. on June 25, 1993:

LICENSE

#1328-33-007-003

LICENSED PREMISES

29 Tennent Road  
Morganville, NJ 07751

The following Resolution #181-93 (Renewal Liquor Licenses - July 1994) was introduced by reference, offered by Council President Lichter and seconded by Councilman Carpiano. Discussion followed during which Councilman Friedman asked about one of the licensees, about which there was a police report on several incidents of selling to a minor. Township Attorney John Bennett stated that renewal of the license must proceed, but that he will be prepared to make a recommendation that Council take action on the license, following actions in Municipal Court (suspension and/or fine). As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #181-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 1993 through June 30, 1994.

- |                                                |                 |
|------------------------------------------------|-----------------|
| 1. Marlboro Liquors                            | 1328 44 001 003 |
| 2. T & C Restaurant Inc.<br>d/b/a Crown Palace | 1328 33 005 006 |
| 3. Gene and Lottie Janowski, Inc.              | 1328 33 003 002 |
| 4. Morganville Bar and Grill, Inc.             | 1328 33 007 003 |

5.	Ann Ulashkevich d/b/a The Andiron Inn	1328 33 010 002
6.	Holland Orchards	1328 31 011 001
7.	Morganville Vol. Fire Co. No. 1	1328 31 013 001
8.	455 C.F.M., Inc.	1328 44 009 002
9.	Marlboro Bar and Liquors, Inc.	1328 33 004 002
10.	Rt. 520 Assoc. Inc. d/b/a Nardino's	1328 33 002 010
11.	Riverbank, Inc. d/b/a Szechuan Gardens	1328 33 008 003
12.	Morganville Ind. Vol. Fire Co. Inc.	1328 31 012 001
13.	Robertsville Vol. Fire Co. #1	1328 31 014 001
14.	Countryside Developers, Inc. (Pocket License)	1328 33 015 008

The following Resolution #182-93 (Authorizing Agreement - Deville Builders, Inc.) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #182-93

RESOLUTION AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO ENTER INTO AN  
AGREEMENT WITH DEVILLE BUILDERS, INC.  
REGARDING THE LYNWOOD II SUBDIVISION

WHEREAS, the Township of Marlboro is desirous of entering into the attached Agreement with Deville Builders, Inc. in order to resolve a zoning problem which has arisen at the Lynwood subdivision regarding a potential encroachment into required set back areas at the described properties, which have been issued building permits and/or Certificates of Occupancy.

NOW, THEREFORE, BE AND IT HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest the attached Agreement between the Township of Marlboro and Deville Builders, Inc., under the conditions which are set forth in the said Agreement.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Kenneth Pape, Esq., 2501 Highway 516, Old Bridge, New Jersey 08857.
- b. Frances Kessler, Zoning Officer.
- c. William Newman, Construction Official.
- d. Melvin Warren, Esq., Zoning Board Attorney.
- e. Township Attorney.

The following Resolution #183-93 (Authorizing Appraisal Block 105, Lot 4 - along Martha Place) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #183-93

RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO  
OBTAIN AN APPRAISAL FOR TOWNSHIP OWNED PROPERTY  
ALONG MARTHA PLACE (BLOCK 105, LOT 4)

WHEREAS, the Township Council has been approached by residents who live adjacent to a parcel of property owned by the Township along Martha Place, more commonly known as Block 105, Lot 4, on the Tax Map of the Township of Marlboro (see attached map), and who may wish to purchase the said parcel from the Township; and

WHEREAS the Township Council is interested in potentially disposing of the said parcel pursuant to N.J.S.A. 40A:12-1 et. seq., and desires an appraisal as to its current fair market value.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Business Administrator is authorized to obtain an appraisal for the property owned by the Township of Marlboro along Martha Place (Block 105, Lot 4).

2. That a certified copy of this Resolution be provided to each of the following:

- a. Robert J. Albertson, Business Administrator
- b. George J. Hovanec, Esq.  
517 Amboy Avenue, P.O. Box 191  
Woodbridge, New Jersey 07095
- c. Melinda and John Parker  
14 Thomas Lane, Marlboro, New Jersey 07746
- d. Township Engineer
- e. Township Tax Assessor
- f. Township Attorney

The following Resolutions #184-93 (Bond Reduction - Exxon Corp.) and #185-93 (Bond Release - Marlboro Medical Center) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #184-93

RESOLUTION AUTHORIZING BOND  
REDUCTION - EXXON CORP.

WHEREAS, Exxon Corp. has requested the reduction of Township held performance bonds for property located at the corner of Route 79 and Tennent Road, more commonly known as Block 123, Lot 1, on the Tax Map of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated June 11, 1993; and

WHEREAS, the above report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for property located at the corner of Route 79 and Tennent Road, more commonly known as Block 123, Lot 1, on the Tax Map of the Township of Marlboro, in the current amount of \$140,370.00 shall be reduced by \$98,259.00, so that the amount to remain shall be \$42,111.00.

2. That the cash bond for property located at the corner of Route 79 and Tennent Road, more commonly known as Block 123, Lot 1, on the Tax Map of the Township of Marlboro, in the current amount of \$12,761.00 shall be reduced by \$8,933.00, so that the amount to remain shall be \$3,828.00.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Exxon Corp.
- b. Federal Insurance Co.
- c. Township Engineer
- d. Township Attorney

\*Copies of attached material to be found in regular minute book in Clerk's office.

RESOLUTION #185-93RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - MARLBORO MEDICAL CENTER

WHEREAS, Bayshore Health Care Management Corp. has requested the release of a Township held performance bond for the Marlboro Medical Center, located in the Marlboro Plaza Shopping Center at Block 268, Lots 62 and 80; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E. dated June 8, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for the Marlboro Medical Center, located in the Marlboro Plaza Shopping Center at Block 268, Lots 62 and 80, in the current amount of \$3,469.00 shall be reduced to zero and released.

2. That this release is conditioned upon the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$7,815.00 by the applicants with the Township at the time of final release.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Bayshore Health Care Management Corp.
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Resolution #186-93 (Redemption Tax Sale Certs. - Various), #187-93 (Veteran Deductions - Various), #188-93 (Refunding Duplicate Payments - Various) and #189-93 (Raffle License Marlboro Pop Warner).

\*Copies of attached material to be found in regular minute book in Clerk's Office

RESOLUTION #186-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$9,568.95 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$9,568.95 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-26	172/38	Betty Simon, Trustee	\$8,449.31
92-27	172/39	Rudy & Connie Wobito	1.119.64
TOTAL-----			\$9,568.95

RESOLUTION #187-93

WHEREAS, Veteran deductions totaling \$100.00 have been granted as per the attached Schedule "A" for the year 1993,

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

SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT
231	12	Charles Lee Ho, Jr.	\$ 50.00
378	13	Martin Stirling	50.00
TOTAL-----			\$100.00

RESOLUTION #188-93

WHEREAS, the attached list in the amount of \$5,495.28, known as Schedule "A", is comprised of amounts representing duplicate payments for 1993 second quarter taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$5,495.28 to the respective taxpayers.

SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT
153	119	Amboy National Bank re: Etinger	\$1,941.68
154	8	Eisenmann, Scott & Jane	1,826.28
180	64	Carlson, Jeffrey & Elyse	1,355.70
215	4	R.H. Ern & Sons re: New Jersey Transit	371.62
TOTAL-----			\$5,495.28

RESOLUTION #189-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 7-93 be and it is hereby granted to Marlboro Pop Warner.

BE IT FURTHER RESOLVED that said Raffle will be held on October 14, 1993 from 8:30 to 9:00 PM at the Andiron Inn, Route 79 North, Wickatunk, N. J. 07765.

The following Resolution #190-93 (Asking DOT to take Corrective Action - MacDonald Property) was introduced by reference, offered by Councilman Broderick and seconded by Council President Lichter. Councilman Friedman asked if the Board of Education had been contacted, to which Township Attorney John Bennett responded that they had. They are now awaiting their reply. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #190-93

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
REQUESTING THE STATE OF NEW JERSEY TO TAKE  
IMMEDIATE REMEDIAL ACTION TO CORRECT DRAINAGE  
PROBLEMS AT BLOCK 207, LOT 11 (ROUTE 79)

WHEREAS, the State of New Jersey, Department of Transportation, has performed certain improvements to State Highway No. 79, in the Township of Marlboro, over the last several years; and

WHEREAS, the said improvements included, among other things, the re-surfacing and restoration of State Highway No. 79; and

WHEREAS, a portion of this work was performed at the Big Brook Bridge section of the highway; and

WHEREAS, as a direct result of these improvements, the property owned by Robert and Grace MacDonald and located on Route 79 in the Township of Marlboro, more particularly known as Block 207, Lot 11 on the Tax Map of the Township, has suffered extensive and severe drainage problems; and

WHEREAS, the current conditions due to the improper drainage threatens the health, safety and welfare of Township residents.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That the governing body hereby calls upon the State of New Jersey to take immediate remedial action to correct the drainage problems impacting upon the residents of Route 79 and, in particular, the specific instance of Robert A. and Grace MacDonald, which were caused from the improvements performed by the Department of Transportation to State Highway No. 79.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Legislative Delegation of the Township of Marlboro.
- b. The Governor of the State of New Jersey.
- c. The Board of Chosen Freeholder.
- d. The Department of Environmental Protection & Energy.
- e. The Department of Transportation.
- f. Robert A. and Grace MacDonald  
Box 81, Route 79, Marlboro, New Jersey 07746.
- g. Township Engineer.
- h. Township Attorney.

The following Resolution #191-93 (Asking DOT to take Remedial Action - Apgar Property) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 191-93

RESOLUTION OF THE TOWNSHIP OF MARLBORO REQUESTING THE  
STATE OF NEW JERSEY TO TAKE IMMEDIATE REMEDIAL  
ACTION TO CORRECT EROSION AND DRAINAGE PROBLEMS AT  
BLOCK 213, LOT 41 (NORTH MAIN STREET)

WHEREAS, Grace I. Apgar is the owner of certain property located at 62 North Main Street in the Township of Marlboro, more particularly known as Block 213, Lot 41 on the Tax Map of the Township; and

WHEREAS, the said property is currently threatened due to severe erosion caused by the Big Brook stream; and

WHEREAS, this erosion is a direct result of the diversion of Big Brook stream heretofore by the State of New Jersey as well as the recent improvements performed by the Department of Transportation to the Big Brook Bridge section of State Highway No. 79 in the Township of Marlboro, which have caused severe drainage problems; and

WHEREAS, such actions on the part of the State of New Jersey have threatened the health, safety and welfare of Township residents.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That the governing body of the Township hereby calls upon the State of New Jersey to take immediate remedial action to correct the erosion of property and drainage problems caused by the Department of Transportation in order to protect the personal property and real estate owned by the citizens of the Township of Marlboro who reside near the Big Brook section of State Highway No. 79 and, in particular, Grace I. Apgar.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Legislative Delegation of the Township of Marlboro.
- b. The Governor of the State of New Jersey.
- c. The Board of Chosen Freeholders.
- d. The Department of Environmental Protection & Energy.
- e. The Department of Transportation.
- f. Grace I. Apgar  
62 North Main Street, Marlboro, New Jersey 07746.
- g. Township Engineer.
- h. Township Attorney.

The following Resolution #192-93 (Authorizing Expert - Petrizzo Case) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #192-93

WHEREAS, there exists a need for specialized environmental engineering services in connection with a lawsuit known as Township of Marlboro, et als. adv. Petrizzo; and

WHEREAS, the maximum amount of the contract is \$7,500, and the funds have been provided in the 1993 Municipal Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award for

contracts for professional services without competitive bids, and the contract itself must be available for public inspection;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached agreement with The Whitman Companies, Inc.

2. That this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5 (1) (a) of the Local Public Contracts Law because specialized engineering and planning services are deemed to be professional services and not subject to the Local Public Contracts Law.

3. That a notice of this action shall be printed once in the ASBURY PARK PRESS.

4. That the contract will be made available for public inspection in the Clerk's office.

5. Certified Copies of this Resolution shall be provided to The Whitman Companies, Inc., Sheila Fishkin, Chief Financial Officer and Arthur Goldzweig, Esq. Special Counsel in the Petrizzo matter.

Council President Lichter stated that Res. #193-93 (Award of Bid: Police Uniforms) and Res. #194-93 (Award of Bid: Recreation Building) were not ready for action. Councilman Friedman moved that such resolutions be tabled. This was seconded by Councilman Carpiano and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman. These will be addressed at the July 15th meeting.

The following Resolution #195-93 (Authorization to Bid: Electrical Service to Public Works & Grounds Maintenance Bldgs. for Connection of Emergency Generator) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #195-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Electrical Service to Public Works Building  
and Grounds Maintenance Building for Connection of  
Emergency Generator

Administrative Report - Mayor Scannapieco congratulated the graduates of the Middle School and High School, and the teachers, administrations and Boards of Education of both schools on doing an excellent job. He announced that out of 375 graduates, 360 (96%) are going on to higher education, which is quite an accomplishment. The Mayor stated that he had received a check for disaster relief for approximately \$80,000. Also, another check is anticipated for the second storm. The Mayor also informed Council that the bulk cleanup is proceeding, and the analysis done shows a significant amount of taxpayer dollars being saved by doing it in-house.

Public Session - The following persons spoke against Ord. #27-93 (Establishing Section 113-6.2 - Public Nuisance), and asked questions on how this ordinance affects the gatherings at the Januskiewicz residence, which were answered by Township Attorney John Bennett:

Terry Serback - 137 Wilson Avenue, Englishtown, N. J.  
Marie Fabiano - 10 Hudson Bay Terrace, Marlboro  
Joe Fibicks - 23 Howie Street, New Brunswick  
Frank Barletta - Freehold  
Pat Alexandra - Keyport

Hy Grossman - 24 Guest Drive, Morganville - suggested that a synopsis of each resolution be given.

At 9:50 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *August 12, 1993*

OFFERED BY: *Carpiano*

AYES: 4

SECONDED BY: *Friedman*

NAYS: 0

*Absent: Gurtman*

*Evelyn M. Piccolini*

EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichte*

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

July 1, 1993

The Marlboro Township Council held a "Special" Council Meeting on July 1, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of this "Special" meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press and the News Transcript on June 25, 1993; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, Council Vice President Gurtman and Council President Lichter

Also present were: Mayor Scannapieco, Business Administrator Bob Albertson and Municipal Clerk Evelyn Piccolini

Council President Lichter opened the Public Hearing on Res. #157-93 (Amendment to 1993 Municipal Budget). As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution #196-93 (Adoption of 1993 Municipal Budget) was introduced by reference, offered by Councilman Broderick, and seconded by Councilman Carpiano. Councilman Broderick commented that he is proud to serve with a Council and Administration that has held the line on ~~tax increases~~ with no tax increase for the past three years. ~~Roll call~~ was then taken, which passed on a 5 - 0 in favor.

RESOLUTION #196-93

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 in the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$4,802,488 for municipal purposes.

1. General Revenues	
Surplus Anticipated	4,930,019.00
Miscellaneous Revenues Anticipated	4,781,053.00
Receipts from Delinquent Taxes	1,700,000.00

2. Amount to be Raised by Taxation for Municipal Purposes	\$ 4,802,488.00
Total Revenues	\$16,213,560.00
5. General Appropriations: Within "CAPS"	
(a&b) Operations including Contingent	9,896,071.43
(e) Deferred Charges and Statutory Expenditures - Municipal	877,878.92
Excluded from "CAPS"	
(a) Operations - Total Operations Excluded from "CAPS"	786,822.81
(c) Capital Improvements	90,000.00
(d) Municipal Debt Service	2,149,336.60
(e) Deferred Charges - Municipal	169,418.24
(m) Reserve for Uncollected Taxes	2,244,032.00
Total Appropriations	\$16,213,560.00

At 8:05 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *August 12, 1993*

OFFERED BY: *Carpiano*

AYES: *4*

SECONDED BY: *Friedman*

NAYS: *0*

*Absent: Lichten*

*Evelyn M. Piccolini*

\_\_\_\_\_  
EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichten*

\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

July 15, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on July 15, 1993 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:30 PM, notice of which had been faxed to the Asbury Park Press and News Transcript on July 13, 1993. After Council President Lichter read such announcement, Councilman Carpiano moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of July, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:00 PM, Council President Lichter moved that the Closed Session be opened. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

The Marlboro Township Council held a regularly scheduled Council Meeting on July 15, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman, Council Vice President Gurtman  
and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Citizen's Voice - There was no one who wished to speak.

Council Speaks Out - Councilman Carpiano asked about a Bus Stop sign that had been put up on Dutch Lane Road. Mayor Scannapieco responded that a letter had been sent to the Township by the County indicating that a bus can stop just about anywhere, so a sign designating a stop is necessary. Councilman Carpiano asked that Council be kept informed on such matters. He also stated that he felt that the bulk pickup should not occur over the July 4th weekend in the future. Councilman Gurtman also concurred, and stated that shrub pickup is creating a serious hazard, and should be done on designated days. He felt that residents should be notified when pickup will be, and should be fined if they do not comply. Council President Lichter asked the Mayor for a breakdown of the cost of the bulk pickup. Business Administrator Bob Albertson responded that he will furnish Council with a complete breakdown of cost, and will give a report stating recommendations on what should be done in the future. Councilman Friedman addressed an incident that had occurred after the June 24th Council meeting. His comments against bigotry were supported by the rest of Council. Council President Lichter announced the groundbreaking ceremony for the library on Aug. 14th at 11 AM. He also congratulated one of the Little League teams on winning the championship.

Councilman Friedman moved that the minutes of June 10 & June 17, 1993 be approved. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #197-93/Ordinance #35-93 (Amend Chapter 92 - Mobile Home Communities) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. Council President Lichter opened the Public Hearing on Ord. #35-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 197-93

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

ORDINANCE # 35-93

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 18-93  
(ESTABLISHING CHAPTER 92 - MOBILE HOME COMMUNITIES: LICENSING  
AND MAINTENANCE), WHICH WAS ADOPTED ON APRIL 22, 1993.

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

Council President Lichter opened the Public Hearing on Ord. #36-93 (Amend Section 84-38 - Land Conservation Zone). Saul Hornik - 4 Orchards Hill Road, Marlboro - spoke against the ordinance, as it was his opinion that the Planning Board should not be given the discretion to adjust developer's contributions. After discussion by Council, and as per Planning Board's recommendation, Councilman Friedman recommended that this ordinance be rejected. Councilman Carpiano moved that Res. #198-93/Ord. #36-93 be rejected. This was seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot to reject.

Council President Lichter opened the Public Hearing on Ord. #37-93 (Establish Section 6-116.1 - Marlboro Hillside Apartments Advisory Board. Donna Rose - Administrator, Monmouth Housing Alliance - made herself available for questions. Bill Redman - 34 Boundary Rd., Marlboro - stated that this project should be subject to all codes and environmental criteria, and its economic impact on the township should be considered. He felt that all questions and concerns should be addressed before the start of the project. As there was no one else who wished to speak, the Public Hearing was closed. Councilman Friedman moved that Res. #199-93/Ord. #37-93 be tabled in light of the concerns expressed, and in light of a letter Council received from Colts Neck Township. Motion to table was seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot to table. This will be discussed at the Sept. 9 workshop.

The following Resolution #200-93/Ordinance #38-93 (Amend Section 76-4 - Home Buyers Protection) was introduced by reference, offered by Councilman Broderick and seconded Councilman Carpiano. Council President Lichter opened the Public Hearing on Ord. #38-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 200-93

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

ORDINANCE # 38-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 76-4 (REGULATIONS AND REQUIREMENTS)  
OF CHAPTER 76 (HOME BUYER'S PROTECTION) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

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

The following Resolution #201-93/Ordinance #39-93 (Amend Chapter 62 - Fees for Tapes) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Gurtman. Council President Lichter opened the Public Hearing on Ord. #39-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 201-93

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

ORDINANCE # 39-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
62-4 (FEES) OF ARTICLE III (MUNICIPAL SERVICES)  
OF CHAPTER 62 (FEES) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

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

The following Resolution #202-93/Ordinance #40-93 (Fire Zone - No Parking in Circle) was introduced by reference, offered by Councilman Gurtman and seconded by Councilman Broderick. Council President Lichter opened the Public Hearing on Ord. #40-93. As there was no one who wished to speak, the Public Hearing was closed. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 202-93

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

ORDINANCE # 40-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 138-38 (SCHEDULE I: NO PARKING)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #41-93 (Amend Construction Fees). As there was no one who wished to speak, the Public Hearing was closed. As per request of the Construction Official, paragraph (h) was deleted in its entirety. The Township Attorney determined that this change was immaterial and did not warrant republishing. The fee for smoke detectors will be amended by Ordinance at the next meeting. The following Resolution #203-93/Ord. #41-93 (As amended) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 203-93

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

ORDINANCE # 41-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #124-93/Ordinance #7-93 (Establishing Chapter 43 - Amusement Devices) was introduced by reference, offered by Council President Lichter and seconded by Councilman Broderick. Public Hearing on this ordinance had been held on May 27, 1993. Councilman Friedman asked if any input had been received from Chief Walker on this ordinance. Township Attorney John Bennett stated that no comments from the Chief had been received. He also stated that his office had checked on the constitutionality of restricting persons under age 16 from playing video games during school hours, and he was comfortable with such provision as it concurs with State law. After discussion, roll call was then taken which passed on 3 - 2 vote in favor, with Councilman Broderick and Councilman Friedman voting no.

RESOLUTION # 124-93

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

ORDINANCE # 7-93

AN ORDINANCE ESTABLISHING CHAPTER 43  
(AMUSEMENT DEVICES) OF THE "CODE OF THE  
TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #125-93/Ordinance #8-93 (Amending Chapter 84 - Various Sections - Amusement Arcades) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Gurtman. The Public Hearing on Ord. #8-93 had been held on May 27, 1993. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 125-93

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

ORDINANCE # 8-93

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 84 (LAND USE DEVELOPMENT AND  
REGULATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

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

The following Resolution #126-93/Ordinance #9-93 (Amending Section 84-74.3 - Amusement Arcades) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Gurtman. The Public Hearing Ord. # 9-93 had been held on May 27, 1993. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 126-93

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

ORDINANCE # 9-93

AN ORDINANCE ESTABLISHING SECTION 84-74.3  
(AMUSEMENT ARCADES) OF CHAPTER 84 (LAND  
USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Councilman Gurtman moved that the following be tabled, as they were not yet ready for action: Res. #176-93/Ord. #42-93 (Elimination of Easement - Enclosure) and Res. #155-93 (Authorizing Settlement - Greenbriar North Suit). This was seconded by Councilman Gurtman, and the Clerk was asked to cast one ballot to table. These will be discussed at the Aug. 12th meeting.

As per Mr. Bennett's request, Council President Lichter moved that Resolution #193-93 (Award of Bid: Police Uniforms) be tabled until later in the meeting. This was seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot. This will be discussed in Closed Session as it is a matter of anticipated litigation.

The following Resolution #194-93 (Award of Bid: Recreation Bldg.) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 194-93

BE IT RESOLVED THAT:

1. PCM CONSTRUCTION CORP.

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

New Recreation Center

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

PCM CONSTRUCTION CORP.

on their low bid of: \$992,000.00 (Plus \$59,641 Alternates)

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #204-93 (Authorization to Bid: Line Striper - Paint) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 204-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Line Striper (Paint)

The following Resolution #205-93 (Bond Release Ryan Meadows) was introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 205-93

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - RYAN MEADOWS

WHEREAS, Ryan Meadows has requested the release of Township held performance guarantees for a development known as Ryan Meadows; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineers, David Birnbaum, P. E., and Dean Staknys, P.E., dated June 21, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Performance Bond for a development known as Ryan Meadows in the current amount of \$338,960.00 shall be reduced to zero and released.

2. That the Cash Bond for a development known as Ryan Meadows in the current amount of \$60,729.00 shall be reduced to zero and released.

3. That this release is conditioned upon the following:

- (a) The posting of a two (2) year, fifteen (15) percent Maintenance Bond in the amount of \$91,093.00, by the applicants with the Township at the time of final release;
- (b) The submission of a revised as-built drawing;

\*Copies of attached material to be found in regular minute book in Clerk's office.

- (c) Final certification from Freehold Soil Conservation District; and
- (d) Repair of pavement depressions along Ryan Road near #40 Arie Drive.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Ryan Meadows, Inc.
- b. Joseph Wilf and Harry Wilf
- c. Westchester Fire Insurance Co.
- d. Township Engineer
- e. Township Attorney

The following Resolution #206-93 (Denial of Bond Release Webro) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 206-93

RESOLUTION DENYING BOND REDUCTION - WEBRO, INC.

WHEREAS, Webro, Inc., has requested the release of a Township held performance guarantee for a development known as Webro/Marlboro Acres; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a letter from the consultant in charge of inspections for this property, Michael Krak, Supervising Chief Inspector for T & M Associates, dated June 29, 1993, which has been reviewed and recommended for Township Council action by Dean Staknys, P.E., on June 30, 1993; and

WHEREAS, that letter is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the request for a release in the performance guarantee for a development known as Webro/Marlboro Acres shall be denied for the reasons set forth in the letter of Michael Krak, Supervising Chief Inspector for T & M Associates, the consulting engineers in charge of inspections, dated June 29, 1993.

\*Copies of attached material to be found in regular minute book in Clerk's office.

2. That a certified copy of this Resolution be provided to each of the following:

- a. Webro, Inc.
- b. Michael Krak, Supervising Chief Inspector,  
T & M Associates, 11 Tindall Road,  
Middletown, New Jersey 07748
- c. Crest Engineering Associates
- d. Township Engineer
- e. Township Attorney

The following Resolution #207-93 (Endorsing Regional Planning Council) was introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 207-93

RESOLUTION ENDORSING WESTERN MONMOUTH COUNTY REGIONAL  
REGIONAL PLANNING COUNCIL

WHEREAS, by Resolution dated June 16, 1993, the Marlboro Township Planning Board has recommended the organization of the "Western Monmouth County Regional Planning Council" in order to coordinate policies and solutions to problems relating to storm water management as well as traffic and zoning in the following municipalities: Marlboro Township, Englishtown Borough, Freehold Borough, Freehold Township, Manalapan Township and Millstone Township; and

WHEREAS, the Planning Board has recommended the appointment of the Mayor and Planning Board Chairman as Marlboro Township's representatives to the said Council; and

WHEREAS, the Planning Board has requested the Marlboro Township Council to endorse the formation of and appointments to the Western Monmouth County Regional Planning Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That it endorses the concept of the Western Monmouth County Regional Planning Council.
2. That it supports the appointment of the Mayor and the Planning Board Chairman to serve as Marlboro Township's representatives to the Council.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Matthew Scannapieco
- b. Sam Alfano, Planning Board Chairman
- c. Marlboro Township Planning Board
- d. Englishtown Borough Planning Board
- e. Freehold Borough Planning Board
- f. Freehold Township Planning Board
- g. Manalapan Township Planning Board
- h. Millstone Township Planning Board
- i. Township Attorney

The following Resolution #208-93 (Authorizing Agreement - Payment of Taxes) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 208-93

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO ENTER INTO AN AGREEMENT FOR THE PAYMENT OF A TAX DELINQUENCY  
REGARDING BLOCK 360, LOT 5 (BOUNDARY ROAD)

WHEREAS, the Tax Collector of the Township of Marlboro has recommended that the Township enter into the attached Agreement with Jay P. Okun, et als, the record owners of the property located at Block 360, Lot 5 (Boundary Road) within the Township of Marlboro in order to arrange for the payment, in regular, equal monthly installments, of delinquent tax and interest arrearages which have been accumulating concerning the subject property; and

WHEREAS, N.J.S.A. 54:5-19 authorizes the Township to enter into such an Agreement pursuant to the conditions which have been specified in the attached Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest the attached Agreement between the Township of Marlboro and Jay P. Okun. et als, under the conditions which are set forth in the said Agreement.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Jay P. Okun, et als
- b. Shirley Giaquinto, Tax Collector
- c. Township Attorney

The following Resolution #209-93 (Authorizing Contract - Robert Dill - Architect for Recreation Bldg.) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. The Township Attorney informed Council that one of the provisions of the contract will be revised prior to execution. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 209-93

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL ARCHITECTURAL AND PLANNING SERVICES OF ROBERT W. DILL

WHEREAS, there exists a need for the professional services of an architect and planner in connection with the construction of the Marlboro Township Recreation Center; and

WHEREAS, Robert W. Albertson, the Business Administrator, has recommended the attached contract from Robert W. Dill, architect and planner, whose address is One Lincoln Highway, Suite 10, Edison, New Jersey, to provide the said services; and

WHEREAS, Robert W. Dill will perform the services for the stipulated sum of \$75,000.00; and

WHEREAS, the Director of Finance shall certify that there are adequate funds available for the purpose of awarding this contract under the appropriate line item appropriation of the 1993 municipal budget, to which this contract will be properly charged; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the awarding of contracts for "professional services" without competitive bids, and the contract itself, be available for public inspection, and that the notice of the awarding of the contract for "professional services" be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Mayor is authorized to execute and the Township Clerk to attest the attached agreement between the Township of Marlboro and Robert W. Dill for the desired architectural and planning services as outlined hereinabove.

2. The Director of Finance is directed to file a certificate of availability of sufficient funds for the year 1993 and to attach same to this resolution.

3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1) (A) of the Local Public Contracts Law of New Jersey.

4. Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.

5. A certified copy of this resolution shall be provided to each of the following:

- a. Robert W. Dill, Architect and Planner  
One Lincoln Highway, Suite 10  
Edison, New Jersey 08820
- b. Robert Albertson, Business Administrator
- c. Sheila Fishkin, Chief Financial Officer
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Resolution #210-93 (Tax Court Judgment - Block 180, Lot 49), #211-93 (Tax Refunds - Various), #212-93 (Veteran Deduction - Block 371, Lot 191), #213-93 (Cancelling Amount Too Minor to Collect), and #214-93 (Redemption Tax Sale Certs.- Various).

RESOLUTION # 210-93

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$941.22 for the year 1992 on Block 180 Lot 49, assessed to Jesse Linda Ulezalka,

WHEREAS, taxes for the year 1992 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Tax Collector be and is hereby directed to refund the amount of \$941.22 to the taxpayer.

RESOLUTION # 211-93

WHEREAS, the attached list known as Schedule "A", is comprised of amounts representing payment for 1993 first quarter taxes based upon the preliminary bills, and

WHEREAS, the above-referenced Blocks and Lots were taken off the tax rolls and combined with other parcels,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$1,214.88 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
176	126	Central Jersey Industrial Park c/o Jocama Industries	\$ 41.40
364	29	Sol Leibel	<u>1,173.48</u>
			\$1,214.88

RESOLUTION # 212-93

WHEREAS, a Veteran deduction in the amount of \$50.00 has been granted for the year 1993 on Block 371 Lot 191 assessed to Sheldon Schwartz,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$50.00 to the above-mentioned taxpayer.

RESOLUTION # 213-93

WHEREAS, uncollected taxes on Block 371, Lot 81, assessed to Greenbriar No. Homeowners Association, in the amount of four dollars and forty-six (\$4.46) are too minor to collect for the year 1992,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to release the Tax Collector from collection thereof and order the above-mentioned amount canceled.

RESOLUTION # 214-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$3,658.00 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$3,658.00 be refunded to certificate holders as per Schedule "A".

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-43	223/13	Mark Sieratzki	\$2,657.50
92-146	295/13	Gregory Hauke	234.68
92-132	420/24	Jay Raio	765.82
TOTAL-----			\$3,658.00

The following Res. #215-93 (Refund to WMUA - Redemption of Third Party Liens - Various) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 215-93

WHEREAS, current sewer charges totaling \$11,735.31 have been paid by property owners along with redemptions of third party liens as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$11,735.31 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

TTL/TSC #	BLOCK	LOT	AMOUNT
TTL 92- 157	124	6	\$11,026.48
TSC 92- 146	295	13	708.83
TOTAL -----			\$11,735.31

Administrative Report - Mayor Scannapieco announced that tomorrow evening there will be a 5 K race and a race walk for women at 7:00 at the Municipal Complex. He also announced that on July 27th, 12 Marlboro students are going to Johana, Japan, as part of the cultural exchange program.

Council then took a short recess and resumed at 9:40 PM.

Council then discussed Item 34 (Marlboro Manse - Rezoning). The following members of the Planning Board were in the audience: Chairman Sam Alfano, Stuart Weiss, Stanley Young and Russell Reeves. Township Attorney John Bennett reviewed the three proposed ordinances with Council, explaining each in detail. He stated that the ordinance dealing with development fees should, upon adoption, be sent to Judge Serpentelli, since the town is

under a judgment of repose. The judge may then request that COAH give a certification of the ordinance. Also, the ordinance should be sent to COAH for their review and certification, to allow the town to collect the development fees in accordance with the law. Mr. Bennett also explained that any recreation lands or municipal lands would be shown on the plat approved by the Planning Board, and would be incorporated in the Developer's Agreement entered into between the developer and the municipality. This would protect the town in the event of any transfer of title, so that such agreements would run with the land and approvals. Mr. Bennett also stated that after architectural review, an ordinance for the Village Commercial Zone will be submitted to Council for review. Council President Lichter gave a brief overview of the project. He stated that the project consists of 316 acres, 200 lots will be R-25 in size, 51 acres would be given to Marlboro Township as a municipal zone. At preliminary approval, two ballfields will be constructed on such property. 38 acres of that 51 acre parcel are buildable, for possible use in the future for some municipal purpose, such as a school. Of the 316 acres, 16 would be zoned C-1 (Village Zone). A Mount Laurel obligation contribution of approximately \$500,000 will be made by the developer, as well as a contribution of approximately \$50,000 to Recreation for use as a hockey rink and soccer fields. Also, the developer will pay for one, possibly two, traffic lights on Route 79, to address the traffic concerns. Regarding the funding mechanism of the Mount Laurel obligation, Township Attorney John Bennett recommended that Council proceed with the ordinance based on percentage of assessed valuation, which should yield a contribution of approximately \$500,000, \$100,000 to be paid initially, \$150,000 to be paid at the time of issuance of building permits and \$250,000 when Certificates of Occupancy are issued. After discussion, Council satisfied all their concerns and proceeded to take action on all three ordinances. The following were introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot: Res. #216-93/Ord. # 43-93 (Rezoning), Res. #217-93/Ord. #44-93 (Stream Corridor Preservation Residential District) and Res. #218-93/Ord. #45-93 (Development Fees).

RESOLUTION #216-93

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

ORDINANCE #43-93

ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 84  
OF THE CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED, "LAND USE DEVELOPMENT" SO AS  
TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #43-93

ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER 84  
OF THE CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED, "LAND USE DEVELOPMENT" SO AS  
TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

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

1. That Sub-Section B entitled "Zoning Map" of Section 29 of Chapter 84 of the Code of the Township of Marlboro entitled, "Land Use Development" be amended and supplemented to the effect that the "Zoning Map" of the Township of Marlboro be amended to delete the following tax lots from the Light Industrial District and to include such tax lots in the following zone districts as shown on the revised zoning map of the Township of Marlboro dated August 12, 1993:

<u>TAX LOTS</u>	<u>ZONE DISTRICT</u>
Block 214, Lots 47, 48, 55 & 56	SCPR Stream Corridor Preservation Residential District
Block 213, Lot 44	C-1 Village Commercial District
Block 214, Lots 51 & 53	MZ-Municipal Zone

2. That this Ordinance shall take effect upon final adoption as provided by law.

RESOLUTION # 217-93

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

ORDINANCE # 44-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO,  
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED,  
"LAND USE DEVELOPMENT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #44-93

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH AND  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 84 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED, "LAND USE DEVELOPMENT"

Be it ordained by the Township Council of the Township of Marlboro, in the County of Monmouth, and State of New Jersey as follows:

1. Chapter 84 of the Code of the Township of Marlboro entitled, "Land Use Development" be amended and supplemented so as to add a sub-section 49.2 which will be known as "SCPR STREAM CORRIDOR PRESERVATION RESIDENTIAL DISTRICT" and which shall read as follows:

"SCPR - STREAM CORRIDOR PRESERVATION RESIDENTIAL DISTRICT

The following regulations shall apply in the SCPR District:

A. Permitted uses.

- (1) Single-family dwellings in a cluster development as defined in A. (4) of this Section provided that public water supply and a sanitary sewerage collection system is provided and connected to an existing regional wastewater treatment plant and the affordable housing criteria described in A. (6) are complied with.
- (2) Single-family dwellings in a non-cluster development as defined in Sub-section A. (5) of this section, whether or not the tract of land in question meets the minimum size requirements provided in such Sub-section.
- (3) Temporary buildings for uses incidental to construction work, provided that such buildings are

removed upon completion or abandonment of the construction work.

- (4) Cluster development shall be in accordance with the following standards and the cluster provisions of Section 84-35 where such provisions are consistent with this Section.
- (a) The minimum size of a tract or parcel of land proposed for development under the cluster development provisions of this section shall be twenty-five (25) acres.
  - (b) The maximum number of residential building lots for each cluster development shall be computed on the basis of eight tenths (0.8) lots per gross acre (0.8 x gross acres = number of permitted lots.) If this calculation results in a remaining fraction of a lot, the fraction shall be rounded to the nearest whole number.
  - (c) Land area equal to a minimum of forty percent (40%) of the gross area of the proposed development shall not be included in lots but shall be either (1) offered to the Township of Marlboro for greenways or open space as part of the Municipal Zone and to be used in furtherance of the best interests of the Township, which may include outdoor recreation facilities or (2) set aside as common property and maintained by a homeowners' association. Land utilized for street right-of-way shall not be included as part of the above forty percent (40%).
  - (d) At least ten percent (10%) or a minimum of ten (10) acres of the land area set aside as open space or common property shall be suitable for development for active recreation purposes. At least five (5) acres of these lands shall not be linear and shall be contained in a contiguous parcel with minimum dimensions of four hundred (400) feet by four hundred (400) feet.
  - (e) Greenways shall be provided so that no residential lot line lies: a) within one hundred (100) feet of the top of the bank of a stream or other body of water; or b) within one hundred (100) feet of a freshwater wetland boundary line as approved by NJDEPE in accordance with the provisions of the New Jersey Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7Aj. Wherever possible such greenways shall be increased to one hundred fifty (150) feet in width. Greenway averaging may be utilized when necessary to accommodate irregularities in wetland boundaries so long as the total area in square feet within the greenway is not reduced. The minimum greenway width used in a greenway averaging plan shall be fifty (50) feet. All greenway

averaging plans shall be subject to planning board review and approval. The area contained within the above greenway buffers shall be considered to be part of the forty percent (40%) of the land area preserved. In no case, however, shall there be a greenway less than one hundred 100 feet in width between a residential lot line and the top of a perennial stream bank.

- (f) Bermed and landscaped buffers one hundred (100) feet in width shall be provided between any residential lot line and any tract boundary with an industrial or commercial zone district or railroad right-of-way.
- (g) The minimum lot requirements for a cluster development shall be:
  - [1] Lot size: twenty-five thousand (25,000) square feet.
  - [2] Street frontage: one hundred twenty-five (125) feet for interior lots and one hundred fifty (150) feet for corner lots.
  - [3] Lot width: one hundred twenty-five (125) feet for interior lots and one hundred fifty (150) feet for corner lots.
  - [4] Lot depth: one hundred fifty (150) feet.
  - [5] Principal building front yard: forty (40) feet.
  - [6] Principal building side yard: fifteen (15) feet; accessory building or structure, fifteen (15) feet.
  - [7] Principal building rear yard: twenty-five (25) feet; accessory building or structures: twenty-five (25) feet. However, in those cases where the full length of the rear lot line is contiguous to a Township-owned greenway of at least fifty (50) feet in width and no portion of said rear line is within a perpendicular distance of one hundred fifty (150) feet of a Township street right-of-way, an accessory building or structure may be located within fifteen (15) feet of the rear lot line. If a rear line setback of less than twenty-five (25) feet is utilized, suitable landscaping shall be provided to shield the structure from the rear lot line. Drainage shall be controlled so as not to cause flooding or erosion of adjacent property and site plan approval shall be required.

(h) Any lands conveyed or dedicated to the Township shall meet the following requirements:

- [1] Every parcel of land so conveyed or dedicated on a subdivision plat of a cluster development shall be free of any liens or encumbrances of any nature at the time final approval is granted by the Township and at the time of recording of the final subdivision plat and each parcel so dedicated shall be noted on the plat.
- [2] The lands so conveyed or dedicated shall include, whenever feasible, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements in order to qualify open land for acceptance by the Township.
- [3] The lands so conveyed or dedicated shall be subject to approval by the Township Planning Board. The Board, in its review and evaluation of the suitability of such land, shall be guided by the ability to assemble and link such lands to adjoining areas in order to form continuous bands of open space and by the accessibility or potential utility of such lands.
- [4] The lands so conveyed or dedicated shall be monumented at all intersections with existing and proposed street lines in the same manner as required by the Map Filing Law (N.J.S.A. 45:23-9.12, as amended). All interior corners and changes in direction shall be marked with concrete posts or equivalent, as approved by the Planning Board, which are a minimum of five (5) inches square or in diameter, are set a minimum of four (4) feet into the ground and extend above the ground a minimum of four (4) feet.
- (5) If a tract of land fails to meet the minimum size requirements for a cluster development as described in A(4) (a) of this Section, the minimum lot requirements shall be those of the R-80 Residential District with a maximum allowable density of forty three hundredths (0.43) lots per gross acre.

For lands which do not meet the minimum size requirements for a cluster development and which are to be developed in accordance with the R-80 Residential District minimum lot requirements, the buffer requirements of the SCPR District shall not apply with the exception that all freshwater wetlands buffers as

established by the NJDEPE shall apply and a minimum greenway width of one hundred (100) feet shall be established between the main branch of Big Brook and any residential lot line with the greenway area to be conveyed or dedicated to the Township of Marlboro.

- (6) For cluster developments in the SCPR District, a development fee shall be exacted for deposit into the Township's Housing Trust Fund created under Article II of Chapter 5 of the Code of the Township of Marlboro. The development fee imposed shall be one half of one percent of the equalized assessed value on the number of units that could be realized in accordance with R-80 Residential District density requirements (0.43 lots per gross acre) and one and one-half percent of the equalized assessed value on the incremental units over and above 0.43 lots per gross acre obtained through conformance with SCPR cluster criteria.

**B. Permitted accessory uses.**

- (1) Private garages designed to accommodate three cars or less.
- (2) Fences, subject to the provisions of 84-58 of this chapter.
- (3) Private swimming pool, subject to the provisions of 84-59 of this chapter.
- (4) Other customary accessory uses and buildings which are clearly incidental to the principal use and building.

**C. Uses requiring a conditional use permit, subject to the provisions of Article IV of this chapter.**

- (1) Churches and places of worship.
- (2) Public utilities.
- (3) Hospitals, philanthropic or eleemosynary uses.
- (4) Quasi-public buildings and recreational areas.
- (5) Commercial swimming pools and swimming clubs.
- (6) Home professional offices and home occupations.

**D. Signs are subject to the provisions of 84-62 of this chapter.**

**E. Off street parking is subject to the provisions of 84-60 of this chapter.**

F. All other provisions of this chapter which are applicable to lands in the SCPR District and which have not been specifically modified in this subsection shall also apply to lands developed under this section."

2. That this Ordinance shall take effect upon final adoption and publication as provided by law.

RESOLUTION # 218-93

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

ORDINANCE # 45-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO  
IN THE COUNTY OF MONMOUTH AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 5 OF THE CODE OF THE TOWNSHIP  
OF MARLBORO ENTITLED, "AFFORDABLE HOUSING"  
SO AS TO CREATE AN ARTICLE II KNOWN AS  
"DEVELOPMENT FEES"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 12, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #45-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO  
IN THE COUNTY OF MONMOUTH AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 5 OF THE CODE OF THE TOWNSHIP  
OF MARLBORO ENTITLED, "AFFORDABLE HOUSING"  
SO AS TO CREATE AN ARTICLE II KNOWN AS  
"DEVELOPMENT FEES"

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

1. That Chapter 5 of the Code of the Township of Marlboro, "Affordable Housing" be amended and supplemented so as to add an Article II to such Chapter which shall be known as Development Fees and which shall read as follows:

## ARTICLE II

## DEVELOPMENT FEES

## "5-26 Purpose

In Holmdel Builder's Ass'n. v. Holmdel Township. 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:270-301 et seq., and the State Constitution subject to COAH developing rules. The purpose of this Article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules in addition to those standards provided for in Article I of this Chapter. Fees collected pursuant to this Article shall be used for the sole purpose of providing low and moderate income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

5-27 For purposes of this Article the following references shall have the following definitions:

"COAH" means the New Jersey Council on Affordable Housing.

"DEVELOPMENT FEES" means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

"EQUALIZED ASSESSED VALUE" means the value of a property determined by the township tax assessor through a process designed to ensure that all property in the township is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the tax assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the township tax assessor.

"JUDGMENT OF REPOSE" means a judgment issued by the Superior Court approving a township's plan to satisfy its fair share obligation.

"SUBSTANTIVE CERTIFICATION" means a determination by the Council approving a township's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

## 5-28 Retention of Fees.

Any fees collected prior to December 13, 1990, shall be retained by the Township pursuant to COAH's rules regarding the retention of development fees.

## 5-29 Residential Development Fees

Within the zoning district listed below, a density bonus has been permitted as a result of the cluster development option provided for in such zone district. Residential developers within that zone shall pay a development fee of 1.5 percent of the equalized assessed value for each additional unit permitted as a result of the density bonus under the cluster development option. On the remaining units, the developer shall pay a development fee of one-half of one percent of equalized assessed value.

### SCPR STREAM CORRIDOR PRESERVATION RESIDENTIAL ZONE

## 5-30 Eligible Exaction, Ineligible Exaction and Exemptions

- a. Developers of low and moderate income units shall be exempt from paying development fees.
- b. Developers that expand an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.
- c. Developers that have received preliminary or final approval prior to the effective date of this Article shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

## 5-31 Collection of fees.

- a. Developers shall pay fifty (50%) percent of the calculated development fee to the Township at the issuance of building permits, or where the terms of any municipal approval so requires, a portion of such percentage of fees shall be payable prior to the issuance of building permit. The development fee shall be estimated by the tax assessor prior to the issuance of building permits.
- b. Developers shall pay the remaining fee to the Township at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the tax assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.

## 5-32 Housing Trust Fund.

- a. There is hereby created an interest bearing housing trust fund in The First Fidelity Bank, N.A. for the purpose of receiving development fees from residential developers under this Article. All development fees paid by developers pursuant to this Article shall be deposited in this fund. No money shall be expended from

the housing trust fund unless the expenditure conforms to a spending plan approved by COAH.

b. If COAH determines that the Township is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this Article shall be expended. Such authorization is pursuant to: this Article's COAH's rules on development fees; and the written authorization from the governing body to The First Fidelity Bank, N.A.

#### 5-33 Use of Funds

a. Money deposited in a housing trust fund may be used for any activity approved by COAH for addressing the Township's low and moderate income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure to low and moderate income housing sites; assistance designed to render units to be more affordable to low and moderate income people; and administrative costs necessary to implement Marlboro Township housing element. The expenditure of all money shall conform to a spending plan approved by COAH.

b. At least thirty (30%) percent of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: downpayment assistance: low interest loans; and rental assistance.

c. No more than twenty (20) percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the housing element. Examples of eligible administrative activities include: personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment.

d. Development fee revenues shall not be expended to reimburse the Township of Marlboro for housing activities that preceded substantive certification.

#### 5-34 Expiration of Article

This Article shall expire if:

- a. COAH revokes its certification of this Article.
- b. The judgement of repose expires prior to the Township filing an adopted housing element with COAH, without the Township receiving COAH's approval of this Article."

2. This Ordinance shall become effective upon final adoption and publication as provided by law and upon Certification by COAH. pursuant to N.J.A.C. 5:92-18 and/or other appropriate law.

Council then discussed Item 35 (Amendment to Alarm Ordinance) reviewing Lt. Tilton's recommendation to amend the fee. First Reading of this ordinance was moved to the Aug. 12th agenda.

Items 36 (Mason Contract) and 37 (Early Retirement) will be discussed at the Aug. 12th meeting.

After discussing Item 38 (Lease - Marlboro Pop Warner), Council took action on the following Resolution #219-93 (Authorizing Construction of a Storage Building). This resolution was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. A resolution authorizing a lease with Marlboro Pop Warner will be addressed at the Aug. 12th meeting.

RESOLUTION # 219- 93

RESOLUTION AUTHORIZING THE CONSTRUCTION OF A  
STORAGE BUILDING BY THE MARLBORO POP WARNER  
ON THE MUNICIPAL PARK COMPLEX PROPERTY

WHEREAS, the Marlboro Pop Warner has requested Township approval to construct a 30' by 60' storage building on the municipal park complex, between the parking lot and the Township pool, to house equipment and supplies for the Marlboro Pop Warner Football Teams and serve as a place to gather for team meetings as well as during half-time at the games; and

WHEREAS, the Marlboro Pop Warner would finance the building at its own cost and expense and then donate it to the Township and lease same in return back from the Township; and

WHEREAS, the building would be constructed in accordance with all local and State codes; and

WHEREAS, by letter dated June 21, 1993, the Green Acres Program of the State of New Jersey, Department of Environment Protection and Energy, indicated its approval of the proposed construction of the aforesaid storage building on the property so long as the building is used solely for recreational purposes; and

WHEREAS, the proposed facility would be a valuable addition to the Township's recreational programs; and

WHEREAS, no public funds are required from Township taxpayers to provide the facility.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That it authorizes construction of a 30' by 60' storage building by the Marlboro Township Pop Warner to be located on the municipal park complex, between the parking lot and the Township pool, which shall be constructed at the expense of the Marlboro Pop Warner and donated to the Township of Marlboro upon its completion and subsequently leased back to the Pop Warner.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. John M. Saffioti, Superintendent  
Marlboro Township Recreation and Parks  
Commission
- b. Anthony J. Caprio, Head Coach  
Marlboro Pop Warner
- c. Mayor Matthew Scannapieco
- d. Robert Albertson, Business Administrator
- e. Township Attorney

After discussing Item 39 (Change Code Section 120-2 - Road Opening), Council moved the First Reading of this ordinance to the Aug. 12th meeting.

Regarding Item 40 ((Amendments to Recycling Ordinance - to Conform to Solid Waste Management Plan), Sid Leveson, was present for the discussion. Mr. Leveson will meet with the Township Attorney to go over the necessary amendments, and Council moved such ordinance amendments to the Aug. 12th meeting for First Reading.

Regarding Item 41 (Disclosure Information), Councilman Friedman suggested that the Township Attorney contact the fire companies to get their input on this matter before Council proceeds with discussion. Council agreed, and moved this discussion to the Aug. 12th meeting.

At 10:30 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing litigation and personnel. This was seconded by Councilman Gurtman and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of July, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 11:00 PM, Councilman Friedman moved that the Closed Session be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #193-93 (Award of Bid: Police Uniforms) was introduced by reference, offered by Council President Lichter, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 193-93

BE IT RESOLVED THAT:

1. MILLER UNIFORM

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Police Uniforms

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Miller Uniform  
Freehold, N. J.

on their low bid of: \$936.40 Police - \$155.80 Dispatchers

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

At 11:05, Councilman Carpiano moved that the meeting be adjourned. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *August 12, 1993*

OFFERED BY: *Carpiano*

AYES: *4*

SECONDED BY: *Friedman*

NAYS: *0*  
*Absent: Friedman*

*Evelyn H. Piccolini*

*Herbert Lichter*

---

EVELYN PICCOLINI  
MUNICIPAL CLERK

---

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

July 28, 1992

The Marlboro Township Council held a "Special" Council Meeting on July 28, 1993 at 4:15 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey for the purpose of extending the grace period on tax bills.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of this "Special" meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press and the News Transcript on July 26, 1993; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Friedman and Council President Lichter.  
Councilman Carpiano and Council Vice President Gurtman were absent.

Also present were: Business Administrator Bob Albertson and Municipal Clerk Evelyn Piccolini

The following Resolution #220-93 (Discharge Interest with Respect to Taxes) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Carpiano & Gurtman.

RESOLUTION #220-93

RESOLUTION OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE TAX COLLECTOR TO DISCHARGE INTEREST WITH RESPECT TO CERTAIN REAL ESTATE TAXES DUE FOR THE YEAR 1993

WHEREAS, the introduction of the 1993 Municipal Budget was delayed beyond the scheduled date for introduction due to the fact that the State of New Jersey had failed to provide the Township with the amounts of anticipated State revenues, if any, to be provided to the Township in connection with the 1993 Budget, and,

WHEREAS, as a result of the circumstances aforesaid, the Township has delayed the issuance of tax bills which would have been otherwise issued subsequent to the introduction of the budget for the year 1993.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. That the Tax Collector be and she is hereby authorized to discharge interest which has or will accrue on those installments of unpaid real property taxes payable as of August 1, 1993, on condition that such installment is paid on or before August 17, 1993.

2. That the Municipal Clerk shall forward a Certified copy of this Resolution to the Tax Collector.

At 4:20 PM, Council President Lichter moved that the meeting be adjourned. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Carpiano & Gurtman.

MINUTES APPROVED: *October 7, 1993*

OFFERED BY: *Bodenick*

AYES: *5*

SECONDED BY: *Gurtman*

NAYS: *0*

*Evelyn M. Piccolini*

\_\_\_\_\_  
EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

August 12, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on August 12, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter. Councilman Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Citizen's Voice - Richard Oates - 10 Herbert Street - spoke about the zoning change proposed in Ord. #43-93. As he is a resident of the Village area, he would like to see its character preserved. He was against using Buck's Lane as the road into the development. Robert Emmons - 31 Hudson Street - stated that he is a lifetime resident of the Village, and feels that more houses in the area would not be a benefit to the township.

Council Speaks Out - Council President Lichter suggested that Council consider taking a booth at Marlboro Day. After discussion, motion was made by Council President Lichter to apply to the Recreation Commission for such booth. This was seconded by Councilman Carpiano, and was defeated on a roll call vote of 2 - 2 in favor, with Councilman Broderick and Councilman Friedman voting no. Councilman Carpiano then spoke about the Marlboro Improvement & Cultural Fund, and the donations given by such fund to the Little League. After such discussion, Councilman Carpiano moved that Council conduct an investigation of such donations. This was seconded by Council President Lichter. After further discussion, this motion was withdrawn, and Councilman Friedman moved that the investigation be conducted by the Mon. County Prosecutor's office, so that impartiality may be maintained. This motion was seconded

by Councilman Broderick, and passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

Councilman Carpiano moved that the minutes of June 24, July 1 and July 15, 1993 be approved. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Council then discussed Res. #155-93 (Authorizing Settlement - Greenbriar Suit). Special Counsel Arthur Goldzweig was present and informed Council that he had reviewed the agreement and was satisfied that it was in order. Councilman Friedman read a letter from Sid Alpert, President of the Homeowner's Assn., thanking everyone for their courtesy and cooperation, which brought about the settlement of this lawsuit in such a fair and equitable manner. After discussion, Res. #155-93 was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 155-93

WHEREAS, the Township of Marlboro has been engaged in lengthy, protracted litigation with U.S. Home Corporation captioned U.S. Home Corp. v. Township Council. et. al., Docket Number L-56397-88 PW and Township of Marlboro v. U.S. Home Corp., et. al., bearing Docket Number L-55855-88; and

WHEREAS, the history of that litigation, involving performance bonds for sections 1, 2, 3.01, 3.02, 3.03, 4A, 4B, 5, 6, 7 and 8 in a development known as Greenbriar North is detailed in the attached Settlement, Indemnification and Release Agreement; and

WHEREAS, the remaining performance bonds posted for U.S. Home for section 7 of a development known as Greenbriar North have been reduced to a total of \$150,000, and the cash bond has been reduced to \$35,000, plus accrued interest; and

WHEREAS, the remaining performance bond for section 8 of a development known as Greenbriar North has been reduced to \$100,000, and the cash bond has been reduced to \$25,000, plus accrued interest; and

WHEREAS, extensive settlement negotiations between the Township of Marlboro and U.S. Home Corp. resulted in the Township of Marlboro's joining in the mediation process which involved the Homeowners Association of Greenbriar North and U.S. Home Corporation; and

WHEREAS, as a result of the mediation, a settlement proposal has been made; and

WHEREAS, the attached Settlement, Indemnification and Release Agreement sets forth the global settlement proposed by all of the parties; and

WHEREAS, the Mayor and Township Council have reviewed the proposed Settlement, Indemnification and Release Agreement and agreed to be bound by the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That the attached Settlement, Indemnification and Release Agreement is hereby approved.
2. That this approval is subject to and contingent upon approval by all of the remaining parties to the proposal.
3. That the Mayor, Municipal Clerk and Special Counsel, Arthur Goldzweig, Esq., be and they are hereby authorized and directed to enter into the Settlement, Indemnification and Release Agreement with all of the parties set forth in that Agreement.
4. That the attached Settlement, Indemnification and Release Agreement is incorporated herein as though set forth in full.
5. That a certified copy of this Resolution shall be provided to Special Counsel.

Council President Lichter opened the Public Hearing on Ord. #43-93 (Rezoning of Route 79 and Vanderburg Road area). Bob Stattel - 7 Buck's Lane - spoke against the ordinance, as he felt it would create congestion in the area. Robert Emmons - 31 Hudson Street - reiterated his previous comments that the area should not be rezoned. Mike Mac Donald - 6 Herbert Street - spoke against the rezoning, and was against using Buck's Lane as the way into the development. Eileen Oates - 10 Herbert Street - spoke against the rezoning, but stated that if it should occur, Buck's Lane should not be used, and a more northerly exit should be created. Louise Emmons - 31 Hudson Street - spoke against the rezoning, as she felt that more homes in the area will bring more problems. Manny Willner - 36 Hudson Street - was against the ordinance, and against the Buck's Lane entrance. Lawrence Bathgate - one of the developers - assured the residents that he will do everything possible to convince N. J. Transit to allow a more northerly railroad crossing, instead of the Bucks Lane crossing. He asked that the Mayor, Council, residents, Police Dept., and Planning Board join in to support switching this crossing. Council President Lichter asked about the location of the water and sewer lines to the development. Mr. Bathgate responded that it has not yet been engineered, but that the process has been started with the professionals of the WMUA and Gordons Corner Water Co. Council President Lichter stated that residents within

100 feet of the sewer line will be mandated to hook up to that line, and expressed his concern that this might create a financial hardship for some residents. He suggested that Council might consider approaching the WMUA for a waiver of such requirement. Mr. Bathgate stated that they will cooperate to bring the main sewer line as close to the village as possible. Councilman Broderick suggested that a group of citizens work with the developer and the township to ensure that the road will not exit onto Bucks Lane, and he stated that he would like to see this ordinance tabled. Mr. Bathgate responded that he would not have standing to go to N. J. Transit to request a relocation of the railroad crossing until the zone is changed and an application is before them. Mr. Willner then asked if there would be an entrance from the mall on to Buck's Lane. In order to ensure that there is no opening on to Buck's Lane, Council President Lichter suggested that a five-foot greenway be required on Buck's Lane. Mr. Bathgate responded that it is not their intention to proceed with developing the commercial property at this time, but that they are planning to have the entrance and exit to the mall on Route 79, if that can be accomplished. Council asked Mr. Bathgate if it would be detrimental to the project to postpone taking action until Sept. 9, and he responded that if it is Council's wish he would go along with it. Frank Abate - 12 Norma Court - asked how the decision on the Holmdel case would effect this rezoning. Mr. Bennett responded that Ord. #45-93 would provide a formula for contributions which is in conformance with what is permitted under COAH guidelines. Councilman Broderick then moved that Res. #221-93/Ord. #43-93 be tabled to Sept. 9th. This was seconded by Councilman Carpiano, and was passed on a roll call vote of 3 - 1 in favor, with Councilman Friedman voting no (Absent: Gurtman). Council President Lichter proposed an ordinance requiring a five-foot greenway along Buck's Lane. The following Res. #250-93/Ord. #51-93 (First Reading - Requiring Five-foot Buffer along Buck's Lane) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and passed on a roll call vote of 3 - 0 in favor with Councilman Friedman abstaining (Absent: Gurtman)

RESOLUTION # 250-93

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

ORDINANCE # 51-93

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 84 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED "LAND USE DEVELOPMENT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 9, 1993 at 8 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said Ordinance.

ORDINANCE # 51-93

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 84 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED "LAND USE DEVELOPMENT"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL of the Township of Marlboro in the County of Monmouth and the State of New Jersey as follows:

1. That Chapter 84 of the Code of the Township of Marlboro entitled "Land Use Development" be amended and supplemented to the effect that Section 49.2 of said Chapter, entitled "SCPR Stream Corridor Preservation Residential District", shall be amended and supplemented to add a sub-section 7 which shall read as follows:

"(7) No development in the SCPR District shall be permitted where the property on which such development is to be located is adjacent to Buck's Lane unless a conservation easement shall have been dedicated to the Township which shall be a minimum of five feet in width as measured from the right of way line of Buck's Lane contiguous to such proposed development and which shall prohibit any structure or other improvement or vehicular traffic on or through such conservation easement in perpetuity."

2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

3. That this Ordinance shall take effect upon final adoption and publication as provided by law.

Council President Lichter proposed a resolution that the legislative delegation that represents Marlboro assist in convincing N. J. Transit in securing the right of way in the northerly part of the project off Route 79. The following Resolution #251-93 was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and passed on a roll call vote of 3 - 0, in favor with Councilman Friedman abstaining (Absent: Gurtman).

RESOLUTION # 251-93

A RESOLUTION OF THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH,

AND STATE OF NEW JERSEY REQUESTING  
THE TOWNSHIP'S LEGISLATIVE DELEGATION  
TO ASSIST NEW JERSEY TRANSIT CORPORATION  
IN RE-LOCATING A CERTAIN RAILROAD CROSSING  
LOCATED AT INTERSECTION OF BUCK'S LANE  
AND RAILROAD AVENUE IN THE TOWNSHIP OF  
MARLBORO

WHEREAS, the Township Council of the Township of Marlboro has received requests from residents of the Township who live in the general vicinity of Buck's Lane and Railroad Avenue that the railroad crossing which is presently located at the intersection of those rights of way be re-located; and

WHEREAS, the Township Council has considered such requests and has found and determined that the re-location of such railroad crossing is, in fact, in the public interest; and

WHEREAS, on such basis, the Township Council is desirous of taking all appropriate steps in implementing the re-location of such railroad crossing;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro in the County of Monmouth and State of New Jersey as follows:

1. That the legislative delegation of the Township of Marlboro be and hereby is urged to assist the New Jersey Transit Corporation in the re-location of the railroad crossing aforesaid.

2. That the Municipal Clerk shall forward a certified copy of this Resolution to the following:

- A. The legislative delegation of the Township of Marlboro
- B. Rudolph P. Geurds, Director of Property Maintenance for New Jersey Transit Corporation
- C. Township Attorney

The Public Hearing then continued. Bryan Van Curen - 11 Hudson St. - asked what will happen if DOT does not approve the northerly crossing. Council President Lichter responded that the reason for tabling the ordinance is that hopefully within this period of time some definite information will be forthcoming from N. J. Transit with regard to this crossing. Saul Hornik - 4 Orchard Hills Road - stated that the prior administration did not propose a 1,400 unit development. The prior owner proposed such development, and then subsequently sold the property. Stuart Weiss - confirmed that such proposal was opposed by the Planning Board at that time. Council President Lichter then moved that the Public Hearing on this

Ordinance #43-93 be continued to Sept. 9th, and that Res. #222-93/Ord. #44-93, Res. #223-93/Ord. #45, Res. #224-93 and Res. #225-93 be tabled to Sept. 9th, and the Public Hearings on Ord. #44-93 and #45-93 be continued to such date. This was seconded by Councilman Carpiano. On the motion to table action on both ordinances, Councilman Friedman abstained. On the motion to continue the Public Hearings on the ordinances, the Clerk was asked to cast one ballot. Absent: Gurtman.

The following Resolution #176-93/Ordinance #42-93 (Elimination of Easement - Enclosure) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman and Gurtman.

RESOLUTION # 176-93

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

ORDINANCE # 42-93

AN ORDINANCE AUTHORIZING THE VACATION OF A  
TOWNSHIP HELD DRAINAGE EASEMENT  
ACROSS BLOCK 176.02, LOTS 25, 26, 27, 28, AND 29  
(THE "ENCLOSURE AT MARLBORO" SUBDIVISION)

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 42-93

AN ORDINANCE AUTHORIZING THE VACATION OF A  
TOWNSHIP HELD DRAINAGE EASEMENT  
ACROSS BLOCK 176.02, LOTS 25, 26, 27, 28 AND 29  
(THE "ENCLOSURE AT MARLBORO" SUBDIVISION)

WHEREAS, as part of the original subdivision approval for Phase II of a development known as "The Enclosure at Marlboro" which is located off of Texas Road and fronts upon State Highway No. 18 within the Township of Marlboro, a twenty-five (25) foot wide drainage easement was created in favor of the Township across Block 176.02, Lots 25, 26, 27, 28 and 29; and

WHEREAS, this was perfected by the filing of a final signed map with the Monmouth County Clerk's Office entitled "The Enclosure at

Marlboro - Final Map, Section 2-filed on May 8, 1992 as Case No. 243-8"; and

WHEREAS, during the construction which occurred on-site and with the understanding of the Township Engineering Department, various grading and other changes were made and storm water drainage was redirected upon the lots, which made the need for the easement moot of no further purpose; and

WHEREAS, since the easement is no longer necessary, the Developer, Central Jersey Office at Industrial Park, has requested the consent of the Township of Marlboro to vacate the easement area at the above properties so that the full ownership of the easement area will revert to the owners of the individual lots.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That the Township Council authorizes the vacation of a Township held drainage easement across Block 176.02, Lots 25, 26, 27, 28 and 29, as more particularly described in a legal description prepared by Crest Engineering Associates, Inc. dated December 15, 1992, which is attached hereto and made a part hereof.

2. That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

3. That this Ordinance shall take effect upon final passage and publication according to the law.

#### Description

Description of a 25 foot wide Drainage easement to be vacated being located on lots 25, 26, 27, 28 and 29 in Block 176.02 as shown on the current tax map of Marlboro Township, Monmouth County, New Jersey.

Beginning at the southerly terminus of the common line between Tax Map Lots 28 and 29 in Block 176,02, and from said beginning point running:

1. North 66' 48'00" East along the southerly line of Tax Map Lot 29 in Block 176.02. 13.09 feet to a point: thence
2. North 05" 52' 33" West along a line running through Tax Map Lot 29 in Block 176.02, 8.25 feet to a point; thence
3. South 84' 07' 27" West along a line running through Lots Tax Map Lots 29, 28 and 27 in Block 176.02, 185.49 feet to a point;

4. North 38' 46' 14" West along the a line running through Tax Map Lots, 27, 26 and 25 in Block 176.02, 165.74 feet to a point; thence
5. North 32' 05' 29" West along a line running through Tax Map Lot 25 in Block 176.02, 24,21 feet to a point,; thence
6. South 57' 54' 31" West along same 25.00 feet to a point, thence
7. South 32' 05 '29" East along the common line between Tax Map Lot 67.20 in Block 176 and Lot 25 in Block 176.02, 25.67 feet to a point; thence
8. South 38. 46' 14" East along a line running through Tax Map Lots 25, 26 and 27 in Block 176.02, 163.80 feet to a point; thence
9. North 88' 28' 45" East along the southerly line of the Tax Map Lots 27 and 28 in Block 176.02, 155.39 feet to a point; thence
10. North 86' 48' 00" East along the southerly line of Tax Map Lot 28 in Block 176.02, 43.04 feet to the point and place of beginning.

Being known and designated as a 25 foot wide drainage easement as shown on a map entitled "The Enclosure at Marlboro, Final Map Section Two", filed in the Monmouth County Clerk's Office on May 8, 1992 as Case 243-8.

The following Resolution #226-93/Ordinance #46-93 (Amend Chapter 40 - Alarm Ordinance - Fees) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman & Gurtman.

RESOLUTION # 226-93

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

ORDINANCE # 46-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time

all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 46-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 40-4 (Alarm Console) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro" is hereby amended and supplemented as follows:

B. A connection fee of twenty-five dollars (\$25.00) per line and an annual retainer or maintenance fee of ~~two-hundred-seventy-five (\$275.00)~~ two hundred dollars (\$200.00) per building shall be charged to each subscriber to the police alarm console; except, however, that no fee shall be charged to the Township of Marlboro or the Board of Education in the facilities used in the Marlboro education system of the Township of Marlboro or the fire companies, first aid and rescue squads and municipal swim club for annual charges or console connection charges for any existing or future systems in public buildings. In addition, no fee shall be charged to any church located within the Township as defined in Section 84-4 of this Code for annual charges or console connection charges for any existing or future systems in church buildings.

2. Section 40-12 (General Regulations) of Chapter 40 (Alarm Systems) of the "Code of the Township of Marlboro, New Jersey" is hereby amended to delete subsection I as follows:

~~I. Alarm-systems-connected-to-the-Township's-alarm-monitoring system-must-be-equipped-with-a-twenty-four-hour-dial-up-test module---The-Chief-of-Police-or-his-designated-representative shall-be-given--authority-to-arrange-with-all-present-subscribers a-time-schedule-to-modify-their-presently-connected-system-~~  
(Reserved).

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #227-93/Ordinance #47-93 (Amend Chapter 55 - Construction Fees - Smoke Detectors) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman & Gurtman.

RESOLUTION # 227-93

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

ORDINANCE # 47-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 47-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM) OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 55-3 (Fees) of Chapter 55 (Construction Codes, Uniform) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection A(2) (h) as follows:

(h) Smoke and heat detectors.

Number	Fee
1 to 6 <u>20</u>	<del>\$15.00</del> <u>\$35.00</u>
<del>More than 6</del> -----	<del>\$30.00</del>
<u>21 to 100</u>	<u>\$111.00</u>
<u>101 to 200</u>	<u>\$212.00</u>
<u>201 to 400</u>	<u>\$550.00</u>
<u>401 to 1.000</u>	<u>\$761.00</u>
<u>over 1.000</u>	<u>\$972.00</u>
<u>Application-for variance</u>	<u>-25.00</u>
Minimum fire fee	\$ 35.00

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #228-93/Ordinance #48-93 (Amend Chapter 120 - Road Opening Fees) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman & Gurtman.

RESOLUTION # 228-93

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

ORDINANCE # 48-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 120-2 (PROCEDURE FOR OBTAINING PERMIT) OF CHAPTER 120 (ROAD SPECIFICATION) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 48-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 120-2 (PROCEDURE FOR OBTAINING PERMIT) OF CHAPTER 120 (ROAD SPECIFICATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 120-2 (Procedure for Obtaining Permit) of Chapter 120 (Road Specifications) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection C as follows (additions are underlined; deletions are stricken):

C. Every application shall be submitted with a fee of one hundred dollars (\$100.00) plus a minimum deposit of five hundred dollars (\$500.00). ~~for any opening~~ For services and inspections made by the Township of Marlboro. the Township of Marlboro shall be entitled to a fee to be paid out of the deposit in addition to the permit fee of one hundred dollars (\$100.00). This fee shall be calculated as follows: eight dollars (\$8.00) per linear foot measured along the longest section of the cut for the first fifty (50) linear feet; three dollars (\$3.00) per linear foot for the next one hundred fifty (150) linear feet; one dollar and fifty

cents (\$1.50) per linear foot for the next three hundred (300) linear feet; and one dollar (\$1.00) per linear foot thereafter [after five hundred (500) linear feet]. However, in the case of standard square openings measuring three (3) feet by three (3) feet, the fee for services and inspections shall be seventy-five dollars (\$75.00). Said deposits shall be paid by certified check made payable to the Township of Marlboro and shall be held until the work has been completed and approved and accepted by the Municipal Engineer for the Township of Marlboro. At the time of completion and acceptance, the deposit remaining after subtracting the fee payable to the Township of Marlboro shall be returned. The acceptance of said work and the approval thereof by the Municipal Engineer shall be indicated by his written approval and acceptance.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

Council wished to table Resolution #229-93/Ordinance #49-93 (Disclosure Info. - Volunteer Fire Companies) to allow for input from the fire companies, and Council also wished to table Resolution #230-93/Ordinance #50-93 (Amend Recycling Ordinance) as it was not ready for action. Motion to table both ordinances to the Sept. 9 workshop meeting was made by Councilman Broderick, seconded by Council President Lichter and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman & Gurtman.

The following Resolution #231-93 (Authorizing Contract - Norman Hobbie, Esq.) was introduced by reference, offered by Councilman Carpiano and seconded by Council President Lichter. Councilman Friedman commented that the hourly rate seemed excessive, and was hopeful that this can be negotiated downward in the present contract negotiation. Roll call was then taken, which passed on a roll call vote of 3 - 0 in favor, with Councilman Broderick abstaining. Absent: Gurtman.

#### RESOLUTION # 231-93

#### RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL LEGAL SERVICES OF NORMAN HOBBIIE, ESQ.

WHEREAS, there exists a need for the professional legal services of Norman M. Hobbie, Esq., to serve as Special Counsel to the Township of Marlboro in a litigation matter entitled Dr. Yeheskel Bar-Ness, etc. vs. Paul A. Rossos. M.D., et als, on behalf of Ptl. Joseph Lenge; and

WHEREAS, Norman M. Hobbie, Esq., will perform the required services at an hourly rate of \$160.00 per hour, with a cap as to the expenditure not to exceed the amount budgeted therefor, without further approval of the Township Council; and

WHEREAS, the Director of Finance shall certify that there are adequate funds available for the purpose of awarding this contract under the appropriate line item appropriation of the 1993 municipal budget, to which this contract will be properly charged; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the awarding of contracts for "professional services" without competitive bids, and the contract itself, be available for public inspection, and that the notice of the awarding of the contract for "professional services" be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council has considered the foregoing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Mayor is authorized to execute and the Township Clerk to attest an agreement between the Township of Marlboro and Norman M. Hobbie, Esq. for the desired legal services as outlined hereinabove.

2. The Director of Finance is directed to file a certificate of availability of sufficient funds for the year 1993 and to attach same to this resolution.

3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(A) of the Local Public Contracts Law of New Jersey.

4. Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.

5. A certified copy of this resolution shall be provided to each of the following:

- a. Norman M. Hobbie, Esq.
- b. Chief Joseph Walker
- c. Captain Robert Stover
- d. Township Attorney

The following Resolution #232-93 (Authorizing Contract - Charles Uliano, Esq.) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and passed on a roll

call vote of 3 - 0 in favor, with Councilman Broderick abstaining.  
Absent: Gurtman.

RESOLUTION # 232-93

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL  
LEGAL SERVICES OF CHARLES J. ULIANO, ESQ.

WHEREAS, there exists a need for the professional legal services of Charles J. Uliano, Esq., to serve as Special Counsel to the Township of Marlboro in a litigation matter entitled Dr. Yeheskel Bar-Ness, etc. vs. Paul A. Rossos. M.D.. et als, on behalf of Ptl. Scott Bingham; and

WHEREAS, Charles J. Uliano, Esq., will perform the required services at an hourly rate of \$160.00 per hour, with a cap as to the expenditure not to exceed the amount budgeted therefor, without further approval of the Township Council; and

WHEREAS, the Director of Finance shall certify that there are adequate funds available for the purpose of awarding this contract under the appropriate line item appropriation of the 1993 municipal budget, to which this contract will be properly charged; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the awarding of contracts for "professional services" without competitive bids, and the contract itself, be available for public inspection, and that the notice of the awarding of the contract for "professional services" be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council has considered the foregoing;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Mayor is authorized to execute and the Township Clerk to attest an agreement between the Township of Marlboro and Charles J. Uliano, Esq. for the desired legal services as outlined hereinabove.

2. The Director of Finance is directed to file a certificate of availability of sufficient funds for the year 1993 and to attach same to this resolution.

3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(A) of the Local Public Contracts Law of New Jersey.

4. Notice of the adoption of this resolution shall be published in a newspaper of general circulation within the Township.

5. A certified copy of this resolution shall be provided to each of the following:

- a. Charles J. Uliano, Esq.
- b. Chief Joseph Walker
- c. Captain Robert Stover
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Carpiano, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick & Gurtman): Res. #233-93 (Bond Release Webro), Res #234-93 (Bond Release Bear Brook Commons), Res. #235-93 (Bond Release Brick Church), and Res. #236-93 (Bond Release Mark Brady/Vic's Landscaping).

RESOLUTION # 233-93

RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE GUARANTEE - WEBRO, INC.

WHEREAS, Webro, Inc. has requested the release of Township held performance guarantees for development known as Webro/Marlboro Acres; and

WHEREAS, on July 15, 1993, the Township Council of the Township of Marlboro passed Resolution No. 206-93, which denied Webro's previous request for release of said performance guarantees, for the reasons stated in a letter from Michael Krak, Supervising Chief Inspector for T & M Associates, the consultant in charge of inspections for this property, dated June 29, 1993; and

WHEREAS, since that date, Mr. Krak has performed a detailed field inspection of the improvements completed at the project and now recommends the release of the said performance guarantees subject to certain conditions; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed Mr. Krak's most recent letter regarding the performance guarantees, dated August 3, 1993, which has been recommended for Township Council action by Dean Staknys, P.E., on August 4, 1993; and

WHEREAS, that letter is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

\*Copies of attached material to be found in regular minute book in Clerk's office.

1. That the Performance Guarantee for a development known as Webro/Marlboro Acres, in the current amount of \$153,637.00, shall be reduced to zero and released.
2. That the Cash Guarantee for a development known as Webro/Marlboro Acres, in the current amount of \$30,617.00, shall be reduced to zero and released.
3. That this release is conditioned upon the following:
  - (a) The posting of a two (2) year, fifteen (15%) percent, Maintenance Guarantee in a form acceptable to the Township in the amount of \$45,925.95, by the developer at the time of final release; and
  - (b) The submission of an acceptable as-built plan by the developer at the time of final release.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Webro, Inc.
  - b. Michael Krak, Supervising Chief Inspector  
T & M Associates  
11 Tindall Road  
Middletown, New Jersey 07748
  - c. Crest Engineering Associates
  - d. Township Engineer
  - e. Township Attorney

RESOLUTION # 234-93

RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE GUARANTEE - BEAR BROOK COMMONS

WHEREAS, Bear Brook Commons/Heller Group has requested the release of a Township held performance guarantees for development known as Bear Brook Commons; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a letter from Michael Krak, Supervising Chief Inspector for T & M Associates, the consultant in charge of inspections for this property, dated June 29, 1993, which has been reviewed and recommended for Township Council action by Dean Staknys, P.E., on July 23, 1993; and

\*Copies of attached material to be found in regular minute book in Clerk's office.

WHEREAS, that letter is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Performance Guarantee for a development known as Bear Brook Commons, in the current amount of \$214,660.00, shall be reduced to zero and released.

2. That the Cash Guarantee for a development known as Bear Brook Commons, in the current amount of \$16,762.00, shall be reduced to zero and released.

3. That this release is conditioned upon the following:

- (a) The posting of a two (2) year, fifteen (15%) percent, Maintenance Guarantee in a form acceptable to the Township in the amount of \$68,677.20, by the developer at the time of final release; and
- (b) The submission of an acceptable as-built plan of the construction conducted at the Bear Brook Commons site by the developer at the time of final release.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Bear Brook Commons/Heller Group
- b. Michael Krak, Supervising Chief Inspector  
T & M Associates  
11 Tindall Road  
Middletown, N.J. 07748
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 235-93

RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE BOND - BRICK CHURCH

WHEREAS, Brick Church/Linden Associates has requested the release of Township held performance bonds for development known as Brick Church; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Dean Staknys,

\*Copies of attached material to be found in regular minute book in Clerk's office.

P.E., of the Municipal Engineer's Office, dated August 2, 1993:  
and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Performance Bond for a development known as Brick Church, in the current amount of \$4,027.00, shall be reduced to zero and released.
2. That the Cash Bond for a development known as Brick Church, in the current amount of \$448.00, shall be reduced to zero and released.
3. That this release is conditioned upon the following:
  - (a) The posting of a two (2) year, fifteen (15%) percent, Maintenance Bond in a form acceptable to the Township in the amount of \$6,634.00, by the developer at the time of final release; and
  - (b) The receipt of a final Certificate of Compliance from Freehold Soil Conservation District.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Brick Church/Linden Associates
  - b. Evergreen Holdings, Inc.
  - c. Township Engineer
  - d. Township Attorney

RESOLUTION # 236-93

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE  
GUARANTEE - MARK BRADY a.k.a. VIC'S LANDSCAPING

WHEREAS, Mark Brady, a.k.a. Vic's Landscaping, has requested the release of Township held performance guarantees; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E., dated August 3, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full.

\*Copy of attached material to be found in regular minute book in Clerk's office.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, as follows:

1. That Letter of Credit No. F-688, in the current amount \$3,928.00, shall be reduced to zero and released.
2. That the Cash Bond posted by Mark Brady, a.k.a. Vic's Landscaping, in the current amount of \$2,137.00, shall be reduced to zero and released.
3. That this release is conditioned upon the following:
  - (a) The posting of a two (2) year, fifteen (15%) percent, Maintenance Bond in a form acceptable to the Township in the amount of \$3,206.00, by the applicant at the time of final release; and
  - (b) The submission of an acceptable as-built drawing by the applicant at the time of final release.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Mark J. Brady
  - b. Township Engineer
  - c. Township Attorney

The following Resolution #237-93 (Bond Release Dutch Lane Estates) was introduced by reference, offered by Council President Lichter, and seconded by Councilman Carpiano. Councilman Friedman asked Mr. Birnbaum to confirm that \$5,000 in additional inspection fees will be collected before the bonds are released, which he did. As there was no objection, the Clerk was asked to cast one ballot. Absent: Broderick and Gurtman.

RESOLUTION # 237-93

RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE BOND - DUTCH LANE ESTATES

WHEREAS, Barracuda Construction, Inc., has requested the release of Township held performance bonds for development known as Dutch Lane Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E., dated August 6, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Performance Bond for a development known as Dutch Lane Estates, in the current amount of \$101,077.00, shall be reduced to zero and released.

2. That the Cash Bond for a development known as Dutch Lane Estates, in the current amount of \$8,373.00, shall be reduced to zero and released.

3. That this release is conditioned upon the following:

- (a) The posting of a two (2) year, fifteen (15%) percent, Maintenance Bond in a form acceptable to the Township in the amount of \$37,010.00, by the developer at the time of final release; and
- (b) The posting of an additional Performance Bond in the amount of \$6,400.00 by the developer in order to cover the deficiencies specified in Mr. Birnbaum's report at the time of final release; and
- (c) The receipt of an inspection fee in the amount of \$5,000.00 to cover costs for inspections performed by the Township of Marlboro since November, 1992.
- (d) The receipt of a final Certificate of Compliance from Freehold Soil Conservation District.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Barracuda Construction, Inc.
- b. Universal Bonding Insurance Co.
- c. Township Engineer
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick & Gurtman): Res. #238-93 (Tax Overpayment - B. 420, Lot 20), Res. #239-93 (Redemption Tax Sale Certs. - Various), Res. #240-93 (Refunds to WMUA - Various), Res. #241-93 (Refund MTMUA B. 183, L. 14), Res. #242-93 (Veteran Deductions - Various), Res. #243-93 (Disabled Person Deduction B. 288, Lot 29 C0302), Res. #244-93 (Mon. County Bd. of Taxation Judgment - Various), Res. #245-93 (Tax Court Judgments), Res. #246-93 (Raffle License - Battleground Arts Center), and Res. #247-93 (Bingo License - Morg. Vol. Fire Co. Ladies Aux.).

RESOLUTION # 238-93

WHEREAS, Block 420, Lot 20, assessed to David Findel, was unduly assessed for taxes in the amount of \$5,500.00 for the year 1992.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the amount of \$5,500.00 be refunded to the owner of Block 420, Lot 20, David Findel.

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

- a. Adam Schneider, Esq.  
Peckar & Abramson  
70 Grand Avenue  
River Edge, New Jersey 07661
- b. Marlboro Township Tax Collector
- c. Marlboro Township Tax Assessor
- d. Township Attorney

RESOLUTION # 239-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$19,886.72 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$19,886.72 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-140	183/14	L. Aiese	420.47
92-29	184/102	Walter Blok	2,391.60
92-142	186/13	Walter Blok	458.60
92-30	192/35	Mountain Ridge Development Corp.	991.97
92-31	192/36	Bernard Kesler	1,008.43
92-32	192/37	Mountain Ridge Development Corp.	1,000.32
92-33	192/38	Mountain Ridge Development Corp.	1,048.27
92-34	192/41	Neil Betoff	1,016.07
92-35	193/12	Mountain Ridge Development Corp.	1,000.20
92-36	193/13	Mountain Ridge Development Corp.	1,053.42
92-37	193/14	Mountain Ridge Development Corp.	1,065.69

92-38	193/18	Mountain Ridge Development Corp.	1,150.23
92-61	288/29/C0023	Corfacts, Inc.	746.71
92-62	288/29/C0024	Corfacts, Inc.	727.89
92-63	288/29/C0025	Corfacts, Inc.	732.98
92-65	288/29/C0027	Corfacts, Inc.	732.98
92-66	288/29/C0028	Corfacts, Inc.	932.98
92-118	288/29/C0502	Mountain Ridge Development Corp.	3,608.03
TOTAL-----			\$ 19,886.72

RESOLUTION # 240-93

WHEREAS, delinquent and current sewer charges totaling \$6,157.86 have been paid by property owners as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$6,157.86 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>TTL#</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>
TSC 92-140	183	14	785.50
TSC 92-29	184	102	748.28
TSC 92-142	186	13	959.71
TTL 91-92	309	1	1,843.65
TTL 91-93	393	14	1,820.72
TOTAL---			\$6,157.86

RESOLUTION # 241-93

WHEREAS, Richard & Delcine S. Kimmel, assessed owner of Block 183, Lot 14, has redeemed TSC 92-140, and

WHEREAS, this redemption included both delinquent taxes, sewer and water charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the current water charges in the amount of \$65.80 to the Marlboro Township Municipal Utilities Authority (M.T.M.U.A).

RESOLUTION # 242-93

WHEREAS, Veteran deductions totaling \$150.00 have been granted as per the attached Schedule "A" for the year 1993,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
131	2	Edward M. Reedy, Jr.	\$ 50.00
225	104	Thomas P. Wynne	50.00
377	27	Howard Klein	50.00
TOTAL-----			\$150.00

RESOLUTION # 243-93

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been granted for the year 1993 on Block 288 Lot 29 C0302 assessed to Burton and Roslyn Weiss,

WHEREAS, taxes for the year 1993 have been paid in full on the above-mentioned property,

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

RESOLUTION # 244-93

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the years 1992 and 1993 as per the attached Schedule "A",

WHEREAS, the 1992 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,282.61 as per the attached Schedule "A",

WHEREAS, the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$3,602.54 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$1,282.61 and to apply \$3,602.54 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>1992 REFUND</u>	<u>1993 APPLY</u>
180 37	Schneider, Michael H. & Sue c/o Pat Sprouls	1,215.65	1,267.64

220	9	Gray, Maria		221.54
225	54	Tanfield, Brenda M & Edward		2,043.40
386	46	Zucker, Joseph & Marjory	<u>66.96</u>	<u>69.96</u>
			\$1,282.61	\$3,602.54

AMOUNT TO BE REFUNDED: \$1,282.61

AMOUNT TO BE APPLIED: \$3,602.54

RESOLUTION # 245-93

WHEREAS, the Tax Court of New Jersey has granted judgments for the years 1991, 1992 and 1993 as per the attached Schedule "A",

WHEREAS, the 1991 and 1992 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$4,693.44 as per the attached Schedule "A",

WHEREAS, the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$1,454.47 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$4,693.44 and to apply \$1,454.47 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>1991 REFUND</u>	<u>1992 REFUND</u>	<u>1993 APPLY</u>
180 21	Harris, Gwenn		\$453.60	473.00
180 49	Ulezalka, Jesse & Linda		N/A	981.47
269 13	DCH Investments Inc.	<u>\$4,239.84</u>		
		\$4,239.84	\$453.60	1,454.47

AMOUNT TO BE REFUNDED: \$4,693.44

AMOUNT TO BE APPLIED: \$1,454.47

RESOLUTION # 246-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 8-93 be and it is hereby granted to BATTLEGROUND ARTS CENTER.

BE IT FURTHER RESOLVED that said Raffle will be held on September 19, 1993 at 6:00 PM at the Scherer Gallery, 93 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 247-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License No. BA: 3-93 be and it hereby granted to the Morganville Vol. Fire Co. #1 Ladies Auxiliary.

BE IT FURTHER RESOLVED that games will be played each Tuesday beginning on September 7, 1993 to August 30, 1994 (except Dec. 21 & 28, 1993. Games will begin at 8:00 PM, and will be held at the Morganville Vol. Fire Co., Tennent Road, Morganville, N.J. 07746.

The following Resolution #248-93 (Award of Bid: Truck Mounted Paint Machine) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 248-93

BE IT RESOLVED THAT:

1. KELLY-CRESSWELL CO., INC.  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Truck Mounted Paint Machine

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

KELLY-CRESSWELL CO., INC.  
P.O. BOX 309  
XENIA, OHIO 45385

on their low bid of: \$24,000.00.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

Resolution #249-93 (Relating to Form & Sale of Bonds of Township of Marlboro) was postponed, upon further information from the Township Auditor.

Administrative Report - Mayor Scannapieco announced that the municipal tax rate went down 1 cent this year.

Item 39 (Marlboro Improvement and Cultural Fund) was taken off the agenda.

Regarding Item 40 (Mason Contract), Township Attorney John Bennett informed Council that there is no relationship between this matter and certain litigation. Therefore, Council asked that the attorney prepare the amendment to Chapter 127, so that it corresponds with present policy.

Item 41 (Early Retirement) will be discussed at the Sept. 9th meeting, since the State had extended the deadline to Sept. 1st because of the State's lateness in supplying the information to municipalities.

Item 42 (Bulk Pickup Costs) was then discussed. Mayor Scannapieco informed Council that this year's bulk cleanup cost was \$15,000 less than last year's (\$157,639.35 - 1992; \$142,288.42). He stated that in 1992, 300 tons were disposed of, and in 1993, 477 tons were disposed of, which is a 58% increase.

Regarding Item 43 (Amend Chapter 84 - Stormwater Management), Council President Lichter stated that he had requested that Council receive a copy of the full ordinance for their review. This will be discussed at the Sept. 9 meeting.

Regarding Item 44 (Apgar & MacDonald Properties - Update), Council President Lichter asked that Township Attorney John Bennett check into how much money is in the Stormwater Management Fund, and also check if those funds can be used to alleviate these problems. This will be discussed at the Sept. 9 meeting.

Regarding Item 45 (H & K Builders), Township Engineer David Birnbaum stated that this item deals with the transfer of the bonds from Sol Liebel to H & K Builders. The resolution was moved to the Sept. 23 meeting.

Regarding Item 46 (Potential Amendment to Code - Animal Bites), Mr. Raffetto informed Council that certain amendments to the Code would be necessary in order that it conform to State statutes. Council asked that a draft be prepared for discussion at the Sept. 9 meeting.

Item 47 (Sight Line Clearing) was for information only. No action necessary.

At 11:30 PM, Councilman Carpiano moved that the meeting be adjourned. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

MINUTES APPROVED: *October 7, 1993*

OFFERED BY: *Broderick*

AYES: *5*

SECONDED BY: *Gurtman*

NAYS: *0*

*Evelyn M. Piccolini*

EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

September 9, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on September 9, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, Council Vice President Lichter and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Council President Lichter read the August 24th letter from N. J. Transit, dealing with the vacation of Buck's Lane and establishment of a new grade crossing. \*SEE ATTACHED He confirmed with Mr. Bathgate that all of the requirements stated in such letter will be met. Mr. Bathgate stated that all such requirements are acceptable.

Council President Lichter stated that several Council members will not be able to attend the September 23 meeting, and therefore moved that it be changed to September 30, 1993. Motion was seconded by Councilman Broderick. Council President Lichter also stated that the extra week would be necessary in order to have publication requirements met for Ord. #52-93 (Vacation of Buck's Lane) if Council should take action on the First Reading of this ordinance. Councilman Friedman stated that he will be away, and therefore will not be able to attend the Sept. 30 meeting. He stated that he would be willing to go along with the First Reading of Ord. #52-93 this evening, and asked that Council President Lichter enter his statement of approval upon Second Reading.

\*Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution #254-94/Ord. #52-93 (Vacation of Buck's Lane) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #254-93

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

ORDINANCE # 52-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING THE PUBLIC RIGHT IN A NEW JERSEY TRANSIT RAILROAD CROSSING LOCATED AT THE INTERSECTION OF BUCK'S LANE (A.K.A. SCHANCK ROAD) AND RAILROAD AVENUE IN THE TOWNSHIP OF MARLBORO AS WELL AS VACATING THE PUBLIC RIGHT IN THAT PORTION OF BUCK'S LANE WHICH RUNS IN AN EASTERLY DIRECTION THEREFROM WITHIN THE TOWNSHIP OF MARLBORO.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 30, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 52-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING THE PUBLIC RIGHT IN A NEW JERSEY TRANSIT RAILROAD CROSSING LOCATED AT THE INTERSECTION OF BUCK'S LANE (A.K.A. SCHANCK ROAD) AND RAILROAD AVENUE IN THE TOWNSHIP OF MARLBORO AS WELL AS VACATING THE PUBLIC RIGHT IN THAT PORTION OF BUCK'S LANE WHICH RUNS IN AN EASTERLY DIRECTION THEREFROM WITHIN THE TOWNSHIP OF MARLBORO.

WHEREAS, the Township Council of the Township of Marlboro has determined that it is in the best interests of the health, safety and welfare of the residents of Marlboro Township to vacate and extinguish all public right title and interest in and to an existing New Jersey Transit railroad crossing located at the intersection of Buck's Lane (a.k.a. Schanck Road) and Railroad Avenue in the Township of Marlboro; and

WHEREAS, the Township Council of the Township of Marlboro has further determined that it is in the best interests of the health, safety and welfare of the residents of Marlboro Township to vacate and extinguish all public right title and interest in and to that portion of Buck's Lane which runs in an easterly direction from the above-mentioned railroad crossing and extends to its easterly point of origin, being a partially improved and partially unimproved street, within the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. The Township Council hereby vacates and extinguishes all public right title and interest in and to the following:

(1) The existing New Jersey Transit railroad crossing located at the intersection of Buck's Lane (a.k.a. Schanck Road) and Railroad Avenue in the Township of Marlboro.

(2) That portion of Buck's Lane which runs in an easterly direction from the above-mentioned railroad crossing and extends to its easterly point of origin, being a partially improved and partially unimproved street, within the Township of Marlboro.

2. The provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company as defined in R.S.48:2-13, or cable television company as defined in N.J.S.A. 48:5A.1 et. seq., to maintain, repair and/or replace their existing facilities in, adjacent to, over or under the said vacated street.

3. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

4. This Ordinance shall take effect upon completion of the following:

- (1) Final passage and publication in accordance with the law; and
- (2) Recording in the Office of the County Clerk in the Book of Vacations pursuant to N.J.S.A. 40:67-21.

The following Resolution #255-93 (Changing Meeting Date) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #255-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the regularly scheduled meeting of September 23, 1993 be changed to September 30, 1993.

BE IT ALSO RESOLVED that all public hearings previously advertised for September 23 will be held on September 30.

Council President Lichter then opened the Public Hearing on Ord. #43-93 which had been continued from the meeting of Aug. 12. Eileen Oates - 10 Herbert Street - asked for a copy of the Aug. 24 letter from N. J. Transit, which will be sent to her, and asked

for an update which was given by Council President Lichter. He stated that not only will be railroad crossing on Buck's Lane be vacated, but that the five-foot greenway will stay in perpetuity, as added insurance that no traffic will exit on to Buck's Lane. Charles Van Curen - 10 Buck's Lane - asked where the road will enter on to Route 79, and was shown the map. Elaine Sutton - 10 Vanderburg Road - asked if there was the possibility that the road might come out to Vanderburg, as she was concerned about additional traffic. Council President Lichter responded that the road will come out on Vanderburg Road, but that all traffic issues will be addressed by the Planning Board and their professionals, and that traffic lights will be placed in locations determined by DOT. Robert Emmons - 31 Hudson Street - expressed his concern for traffic exiting from the proposed development, and also brought up other environmental concerns. He spoke against the rezoning. Bob Stattel - 7 Buck's Lane - asked if construction vehicles will use Buck's Lane. He was assured that Buck's Lane will be vacated before any construction begins, and that it will not be used. He also had a question on the greenway, which was answered by Township Attorney John Bennett. He expressed his opinion that the area should remain Light Industrial. Mike Mac Donald - 6 Herbert Street - asked if another area of the town has been found in which to locate the Light Industrial area. Mayor Scannapieco responded that this matter will be addressed when Master Plan review takes place, within a year or so. Robert Emmons - 31 Hudson Street - stated that he felt taxes are high and residents of the Village area do not have water and sewer. Betsy Lowery - 15 Hudson Street - stated that residents do not want development in that area. Pat Matthews - 19 Hudson Street - stated that the area should be kept as Light Industrial, as she was concerned with additional traffic. Council President Lichter explained to the residents who were present that if the zone is not changed, the builder would have the right to develop the entire 316 acres, creating approximately 3,000,000 sq. ft. of industrial space. It could be developed as a distribution or trucking center, or something similar to Secaucus, which would have a greater impact than 200 homes. Richard Oates - 10 Herbert Street - discussed the water issue. Council President Lichter responded that his concern has been addressed, as a water line will be a requirement of development. Lawrence Bathgate - stated that the water and sewer lines will be brought down Route 79 into the property, and the capability will be there for residents to hook up. Bob Stattel - 7 Buck's Lane - expressed the concern that his well might go dry as a result of development. Mike Mac Donald - thanked Mayor and Council for listening to the residents, and addressing their concerns. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution #221-93/Ord. #43-93 (Rezoning) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as passed on a roll call vote of 4 - 1 in favor, with Councilman Carpiano voting no.

RESOLUTION # 221-93

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

ORDINANCE # 43-93

ORDINANCE OF THE TOWNSHIP OF MARLBORO  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
AMENDING AND SUPPLEMENTING CHAPTER 84  
OF THE CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED, "LAND USE DEVELOPMENT" SO AS  
TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

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

Council President Lichter then opened the Public Hearing on Ord. #44-93 which had been continued from the meeting of Aug. 12. Robert Emmons - 31 Hudson Street - asked if the buffering is in accordance with State standards. Mayor Scannapieco responded that the buffers exceed what is required by the State. The buffering requirements for this zone were explained to Mr. Emmons by Mr. Bennett. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution #222-93/Ord. #44-93 (Creating SCPR - Stream Corridor Preservation Residential District) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Carpiano.

RESOLUTION #222-93

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

ORDINANCE #44-93

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH AND  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 84 OF THE  
CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED, "LAND USE DEVELOPMENT"

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

Council President Lichter then opened the Public Hearing on Ord. #45-93 which had been continued from the meeting of Aug. 12. Robert Emmons - 31 Hudson Street - asked what would happen to the

contributions if the developer should go bankrupt. Council President Lichter responded that whoever buys the development would be responsible for the contributions. Hy Grossman - 24 Guest Drive - asked if the fees conform to the State guidelines. Township Attorney John Bennett assured him that this ordinance has been drawn upon the direction of the Court. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution #223-93/ Ordinance #45-93 (Amending Chapter 5 - Affordable Housing - Development Fees) was introduced by reference, offered by Council President Lichter and seconded by Councilman Friedman. Councilman Friedman moved that on page 4, the reference to "The First Fidelity Bank, N.A." be changed to read "any approved depository". Such motion was seconded by Council President Lichter, and Township Attorney John Bennett ruled that such change was not substantial and does not warrant republishing. Roll call was taken on the ordinance as amended, which passed on a 5 - 0 vote in favor.

RESOLUTION # 223-93

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

ORDINANCE # 45-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO  
IN THE COUNTY OF MONMOUTH AND STATE OF  
NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 5 OF THE CODE OF THE TOWNSHIP  
OF MARLBORO ENTITLED, "AFFORDABLE HOUSING"  
SO AS TO CREATE AN ARTICLE II KNOWN AS  
"DEVELOPMENT FEES"

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

The following Resolution #224-93 (Stating Reasons for Adoption of Ord. #43-93 & 44-93) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #224-93

A RESOLUTION OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH,  
AND STATE OF NEW JERSEY STATING  
REASONS FOR THE ADOPTION OF  
ORDINANCES 43-93 AND 44-93  
PURSUANT TO AND IN ACCORDANCE  
WITH THE PROVISIONS OF N.J.S.A.  
40:55d-62(a)

WHEREAS, N.J.S.A. 40:55d-62(a) provides that the governing body of a municipality may adopt an amendment to its zoning ordinance which in whole or part is inconsistent with or not designed to effectuate the land use planned element and the housing planned element of the master plan by an affirmative vote of the majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution; and

WHEREAS, the Township Council has finally adopted Ordinance No. 43-93 entitled "Ordinance of the Township of Marlboro, County of Monmouth, State of New Jersey amending and Supplementing Chapter 84 of the Code of the Township of Marlboro entitled, 'Land Use Development' so as to Provide for Certain Zoning Amendments" and Ordinance No. 44-93 entitled "An Ordinance of the Township of Marlboro, County of Monmouth, State of New Jersey Amending and Supplementing Chapter 84 of the Code of the Township of Marlboro entitled, 'Land Use Development'"; and,

WHEREAS, the Township Council is desirous of stating its reasons for the adoption of the Ordinances aforesaid to the extent that such Ordinances are inconsistent with the Land Use Planned Element and Housing Planned Element of the Master Plan as required by N.J.S.A. 40:55d-62(a)

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey as follows:

1. That pursuant to and in accordance with N.J.S.A.40:55d 62(a) the Township Council does hereby state the following reasons for the adoption of each of the Ordinances aforesaid to the extent that such Ordinances are inconsistent with the Land Use Planned Element and Housing Planned Element of the Master Plan;

A. The Township Council finds that it is in the best interest of the Township to rezone certain portions of the Township which are presently located within the LI - Light Industrial Zone to the SCPR Stream Corridor Preservation Residential District, the C-1 Village Commercial District and the MZ Municipal Zone in that such rezoning will advance the purposes of the municipal land use law and the provisions of the New Jersey State Development and Redevelopment Plan by providing open space and a desirable visual environment and by protecting environmentally sensitive areas and water quality.

B. The Township Council specifically finds that such rezoning will assist in protecting environmentally sensitive areas adjacent to Big Brook which is a tributary to the Swimming River Reservoir.

C. In addition, the adopted Marlboro Township Cross Acceptance Map filed as a part of the State Development and Redevelopment Plan in August, 1992, designates the floodplains and

wetlands adjacent to Big Brook and its tributaries as critical environmental sites.

D. The provisions of the SCPR District protect these critical environmental sites while at the same time providing open space and a desirable visual environment.

E. The rezoning to C-1 will extend the present zoning of Marlboro Village and provide for a visual environmental more in keeping with the small scale retail uses in the Village while providing adequate space for commercial uses.

F. The rezoning to MZ will help provide for sufficient open space to help address the Township's needs for such space for a variety of uses including recreation.

2. That the Township Clerk shall forward a certified copy of this Resolution to the following:

- A. The Planning Board,
- B. The Township Planner,
- C. The Township Attorney,
- D. The Monmouth County Planning Board for recording pursuant to N.J.S.A.40:55d-G2(a)

The following Resolution #225-93 (Requesting Approval of Ord. #45-93 by COAH) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 225-93

A RESOLUTION OF THE TOWNSHIP OF  
MARLBORO, IN THE COUNTY OF MONMOUTH,  
AND STATE OF NEW JERSEY REQUESTING  
THE NEW JERSEY COUNCIL ON AFFORDABLE  
HOUSING TO REVIEW ORDINANCE NO. 45-93  
ENTITLED "AN ORDINANCE OF THE TOWNSHIP  
OF MARLBORO, COUNTY OF MONMOUTH AND  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 5 OF THE CODE  
OF THE TOWNSHIP OF MARLBORO ENTITLED  
'AFFORDABLE HOUSING' SO AS TO CREATE  
AN ARTICLE II KNOWN AS DEVELOPMENT  
FEES' "

WHEREAS, the Township Council has finally adopted Ordinance No. 45-93 entitled "An Ordinance of the Township of Marlboro, in the County of Monmouth, and State of New Jersey amending and supplementing Chapter 5 of the Code of the Township of Marlboro

entitled, 'Affordable Housing' so as to create an Article II known as Development Fees"; and,

WHEREAS, such Ordinance, by its terms, shall not become effective until it shall have been certified and approved by the New Jersey Council on Affordable Housing pursuant to N.J.A.C. 5:92 18 and/or other appropriate law; and

WHEREAS, the Township Council wishes to request that the New Jersey Council on Affordable Housing review and approve the Ordinance aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. That the Township Council does hereby request that the New Jersey Council on Affordable Housing review the Ordinance aforesaid for approval and certification as provided by law.
2. That the Township Clerk shall forward a certified copy of this Resolution to the following:
  - A. The Township Planner,
  - B. The Township Attorney,
  - C. The New Jersey Council on Affordable Housing.

Council President Lichter opened the Public Hearing on Ord. #51-93 (Conservation Easement - Buck's Lane). Bob Stattel - 7 Buck's Lane - asked about the location of the easement, which was explained by Township Attorney John Bennett. Robert Emmons - 31 Hudson Street - asked who was responsible for maintenance of the easement, which was addressed by Mr. Bennett. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution #252-93/Ord. #51-93 (Conservation Easement - Buck's Lane) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 252-93

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

ORDINANCE # 51-93

AN ORDINANCE OF THE TOWNSHIP OF  
MARLBORO, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AMENDING AND  
SUPPLEMENTING CHAPTER 84 OF THE

CODE OF THE TOWNSHIP OF MARLBORO  
ENTITLED "LAND USE DEVELOPMENT"

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

The following Resolution #253-93 (Special Affair Permit - Marlboro Fire Co.) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #253-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a "SPECIAL PERMIT for a SPECIAL AFFAIR" (SPA: 1-93) be and it is hereby granted to the MARLBORO FIRE COMPANY for a WETDOWN OF NEW FIRE TRUCKS.

Said "wetdown" is to be held on October 2, 1993 from 12 noon until 5 p.m. at the Marlboro Fire Company, Route 79, Marlboro, New Jersey.

Regarding Item 20 (Update on Centra-State Hospital Wing Opening - Mr. Peter Rich), Hy Grossman, Chairman of the Foundation, Mr. Peter Rich, Director of Development, and Tom Linz, President and Chief Executive Officer, were present and gave Council a presentation on the East Tower Project which is scheduled to be dedicated on September 18th. He described the project and explained all the services which will now be provided by Centra-State Medical Center.

Item 21 (WMUA - Prohibiting Discharge of Sump Pumps in Sanitary Sewers) was then discussed. Saul Hornik, Commissioner, Russell Nerlick, Executive Director, and Linda Kenney, Attorney, were present to discuss a change in the township's ordinances so that discharging sump pumps into the sewer system is prohibited, as this discharge is currently overloading the system. Council discussed how this would affect homeowners and what alternatives could be considered to dispose of this discharge. Inspections would be performed as part of the CCO requirement, so that no additional cost would be incurred by the township. Council President Lichter asked for a report from the Township Engineer on this issue for the next workshop meeting, October 14th.

The Clean Communities Grant resolution was moved to the Sept. 30 agenda.

Item 22 (Stormwater Management Fund), Item 23 (Early Retirement - Regular Employees) and Item 24 (Policy on Family Leave) will be discussed in executive session later in the meeting, as they are personnel matters.

Regarding Item 25 (Ethics Board), Councilman Carpiano stated that he would like to have an Ethics Board established, and after discussion, moved that such board be established. This motion was seconded by Councilman Broderick, and passed on a 5 - 0 vote. Council discussed how the appointments will be made so as to maintain political balance, and asked that the Township Attorney prepare a draft for their review at the next workshop meeting, October 14th.

Regarding Item 26 (Township Donations), Councilman Carpiano asked that Council consider a resolution or ordinance which states that Council must review and approve any donations to the township exceeding \$2,000 (or another higher number). After discussion, Council asked that Township Attorney research whether such resolution or ordinance would be legal in this form of government. This will be discussed at the October 14th workshop.

Regarding Item 27 (Cable TV), Councilman Friedman asked if Council would be interested in inviting Mr. Smith of Monmouth Cablevision to the October (or subsequent) workshop meeting to explain all the changes that will be taking place next month. Council agreed, and asked that the Clerk send a letter extending such invitation.

Good & Welfare - Councilman Gurtman asked that the dog curbing ordinance be reinforced, as residents have not been abiding by such ordinance. He also asked that an ordinance be considered to set a detailed schedule for pickup of shrubbery in the township. Mayor Scannapieco informed Council that the administration will be looking at how surrounding towns handle shrubbery pickup, and will get copies of their ordinances. Council President Lichter reminded Council that the Open Town Meeting will be held on Sept. 27th at Asher Holmes School. He also informed Council that he had received a letter from Judy Richmond, Cultural Fund, inviting Council to their meeting on Sept. 20th. He stated that only two Councilman can attend because of Sunshine Law requirements, and that Council check with each other. Councilman Broderick brought up the issue that residents are not stopping at Stop Signs, and asked what can be done to enforce this. Both Councilman Broderick and Councilman Gurtman asked that residents be notified of the enforcement of dog curbing and stopping at Stop Signs. Council President Lichter brought up the right turn lane at the corner of Route 520 & 79, and stated that because

no right turn is allowed on a red light, this has not alleviated the traffic problem at all. Officer McBurnie, who was in the audience, stated that the problem with that intersection is not that no right turns are allowed on red, but that the traffic light on Route 520 should be green one direction at a time. Council President Lichter asked Mayor Scannapieco if he would have Traffic & Safety check on what can be done to alleviate the problem at that corner. Councilman Carpiano brought up the release of the Police Report, stating that he felt there was no reason not to release it at this time. After discussion, it was Council's consensus that it be released, and Business Administrator Bob Albertson was instructed to do so the next day.

The following items were moved to the Sept. 30 agenda for action: Item 8 (Res. #230-93/Ord. #50-93 - First Reading Amend Recycling Ordinance), Item 10 (First Reading - Amend Chapter 127 - Sidewalks - Aprons), Item 11 (Authorization to Bid: Snow Removal), Item 12 (Authorization to Bid: Concrete Floor - Pole Barn), Item 13 (Authorization to Bid: Mason Contract), Item 14 (Reduction in Letter of Credit & Cash Bond Anthony Charles Assoc./Charles Alario), Item 15 (Lease - Marlboro Pop Warner), Item 16 (Raffle License - Collier Services), Item 17 (Tax Collector Resolutions), and Item 19 (H & K Builders).

Item 18 (Changing Rates for Outside Contracts - Police) was referred to the Township Attorney's office for review, and action will be taken when his recommendations are received.

Under Good & Welfare, Business Administrator Bob Albertson informed Council that the PBA has requested of the township the opportunity to lease for the Police Dept. softball team a piece of property, Block 154, Lot 31 (Route 34 - Indian Temple). He stated that upon researching the matter, the Planning Board resolution prohibits anything but passive recreation, and therefore it cannot be done. He will inform the PBA by letter.

At 11:00 PM, Council President Lichter moved that the meeting go into Closed Session for the purposes of discussing personnel. This was seconded by Councilman Carpiano and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 9th day of September, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take

approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 11:50 PM, Councilman Carpiano moved that the meeting be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #256-93/Ordinance #53-93 (Salary Ord. 1993 - Dept. of Law) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 256-93

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

ORDINANCE # 53-93

ORDINANCE ESTABLISHING THE SALARIES OF THE APPOINTED EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITHIN THE DEPARTMENT OF LAW FOR THE YEAR 1993

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Sept. 30, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

*[Handwritten signatures and initials over the text]*

ORDINANCE # 53-93

ORDINANCE ESTABLISHING THE SALARIES OF THE APPOINTED EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITHIN THE DEPARTMENT OF LAW FOR THE YEAR 1993

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

1. The salaries of the hereinafter designated Township officers and employees within the Department of Law are hereby established for the year 1993 as follows:

TITLE	SALARY
Township Attorney	\$80,000.00
Special Counsel	\$20,000.00
Municipal Presiding Judge	\$21,300.00
Municipal Judge	\$19,000.00

Municipal Prosecutor	\$11,000.00
Municipal Public Defender	\$ 7,000.00

2. All salaries and wages specified herein shall be retroactive from January, 1993.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

Township Attorney John Bennett then discussed with Council the award of bid for the emergency generator installation. After discussion, Council moved the resolution awarding this bid to the Sept. 30 agenda.

At 12:00, Council President Lichter moved that the meeting be adjourned. This was seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *October 28, 1993*

OFFERED BY: *Corporation*

AYES: *4*

SECONDED BY: *Friedman*

NAYS: *0*  
*Absent: Gurtman*

*Evelyn H. Piccolini*

*Herbert Lichter*

EVELYN PICCOLINI  
MUNICIPAL CLERK

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

October 7, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on October 7, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk. Notice of change in meeting date for this meeting was faxed to the Asbury Park Press and the News Transcript on September 28, 1993.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Gurtman, Council Vice President  
Gurtman and Council President Lichter

Also present were: Joseph Foster, Esq., Business  
Administrator Bob Albertson, Municipal Clerk Evelyn  
Piccolini and Deputy Clerk Alida DeGaeta.  
Mayor Scannapieco arrived at 9:00 PM.

Citizen's Voice - There was no one who wished to speak.

Council Speaks Out - Councilman Friedman brought up a letter from the League of Municipalities alerting municipalities to Assembly Bill A-2254. As presently drafted, it will require municipalities to perform certain work for a developer, at no cost to such developer. The League has requested that Council forward their position to the Assembly Housing Committee. Council agreed that the attorney's office draft a sample resolution expressing their opposition for discussion at the next workshop meeting, Oct. 14th and action on the 28th. Councilman Friedman brought up the Tricentennial of Freehold Township asking if Marlboro will be participating. Business Administrator Bob Albertson will address this issue with Mayor Scannapieco. Councilman Friedman read a letter into the record from the Marlboro Improvement and Cultural Fund thanking him for attending their meeting of Sept. 22nd. He stated that he and the other Council members had been provided with an eleven-page report, outlining the objectives of the Fund. Council President Lichter expressed his regrets that he was had been unavailable to attend the meeting. Councilman Broderick brought up a letter addressed to the Municipal Clerk from the Mon. County

Board of Alcohol & Drug Abuse Services stating that the Board of Chosen Freeholders has made a recommendation to provide \$18,538 to Marlboro in 1994 for the Drug Alliance. He asked that a letter be sent to Mr. Johnson expressing Marlboro's thanks, and the Business Administrator was asked by Council to do so. Councilman Broderick asked for an explanation of the subpoena issued by the Mon. County Prosecutor's office, a copy of which was in his folder. Councilman Friedman confirmed that Mr. Smith of Monmouth Cablevision will be attending the Oct. 14 workshop, and asked that residents be informed so that they may attend. Council President Lichter asked that the press mention this. Councilman Carpiano stated that he was grateful for the grant to fight drug abuse, and that, in his opinion, the township should not allow two more liquor licenses to be issued in town. Councilman Gurtman asked the administration to contact Manalapan, requesting that they look into improving the intersection of Gordons Corner Road and Route 9 by adding a traffic light. He also asked Mr. Albertson to check on one of the items on the bill paying, and to let him know. Council President Lichter informed Council that the township received \$90,000 to improve Ryan Road, and Mr. Albertson stated that Township Engineer has already solicited quotes for the engineering study on that road. Council President Lichter asked about a letter he had received from the State regarding elevator inspection. Business Administrator Bob Albertson responded that the State will now be doing the inspections, and will have a resolution for Council's action for the next meeting. Council President Lichter responded to Councilman Broderick's inquiry about the subpoena, and since this is now being investigated by the prosecutor's office, it should be a matter for executive session. Councilman Broderick complimented the Road Dept. on their speedy removal of brush in his neighborhood. Business Administrator Bob Albertson informed Council that administration is working on developing a system, and will be discussing this at the next workshop meeting. Councilman Gurtman asked if the Senior Flu Shot program had been advertised, and was informed that a notice had been placed in the News Transcript. Councilman Friedman stated that he had attended, and extended his compliments to Glenda Grill and the Recreation Dept. for a job well done.

Councilman Carpiano moved that the minutes of July 28 and Aug. 12, 1993 be approved. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Lichter opened the Public Hearing on Ord. 42-93. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #257-93/Ord. #42-93 (Vacating Easement - Enclosure) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 257-93

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

ORDINANCE # 42-93

AN ORDINANCE AUTHORIZING THE VACATION OF A  
TOWNSHIP HELD DRAINAGE EASEMENT  
ACROSS BLOCK 176.02, LOTS 25, 26, 27, 28 AND 29  
(THE "ENCLOSURE AT MARLBORO" SUBDIVISION)

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

Council President Lichter opened the Public Hearing on Ord. 46-93. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #258-93/Ord. #46-93 (Amend Chapter 40 - Alarm Systems - Fees) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 258-93

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

ORDINANCE # 46-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 40 (ALARM SYSTEMS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. 47-93. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #259-93/Ord. #47-93 (Amend Chapter 55 - Construction Codes - Fees) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 259-93

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

ORDINANCE # 47-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
55-3 (FEES) OF CHAPTER 55 (CONSTRUCTION CODES, UNIFORM)  
OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"

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

Council President Lichter opened the Public Hearing on Ord. 48-93. Robert Emmons - 31 Hudson Street - stated that he felt that utility companies do not repair roads property after having opened them, and that the fees should be higher than proposed. The following Resolution #260-93/ Ord. #48-93 (Amend Chapter 120 - Road Opening Fees) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 260-93

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

ORDINANCE # 48-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
120-2 (PROCEDURE FOR OBTAINING PERMIT) OF CHAPTER 120  
(ROAD SPECIFICATIONS) OF THE "CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. 52-93. As there was no one who wished to speak, the Public Hearing was closed. Robert Emmons - 31 Hudson Street - stated that the developer of Marlboro owes a substantial amount of taxes. Council will look into this matter. As there was no one else who wished to speak, the Public Hearing was closed. Councilman Friedman brought to Council's attention a letter of Sept. 22, from Mr. Bathgate asking that adoption of this ordinance be postponed until the necessary government approvals are obtained for the construction of the new grade crossing. After discussion, Councilman Gurtman moved that Res. #261-93/Ord. #52-93 be tabled. This was seconded by Councilman Broderick, and motion to table passed on a roll call vote of 4 - 1 in favor, with Council President Lichter voting no. This was tabled to the Oct. 28th meeting.

Council President Lichter opened the Public Hearing on Ord. 53-93. As there was no one who wished to speak, the Public Hearing was

closed. The following Resolution #262-93/Ord. #53-93 (Dept. of Law Salary Ord. 1993) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 262-93

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

ORDINANCE # 53-93

ORDINANCE ESTABLISHING THE SALARIES OF THE APPOINTED EMPLOYEES OF THE TOWNSHIP OF MARLBORO WITHIN THE DEPARTMENT OF LAW FOR THE YEAR 1993

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

The following Resolution #263-93/Ordinance #54-93 (Amend Chapter 127 - Sidewalks) was introduced by reference, offered by Councilman Gurtman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #263-93

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

ORDINANCE # 54-93

ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 127 (SIDEWALKS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 28, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 54-93

ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 127 (SIDEWALKS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 127-1 (Purpose) of Chapter 127 (Sidewalks) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows  
(additions are underlined; deletions are stricken):

Section 127-1. Purpose.

It is the express intent of the governing body of the Township of Marlboro to continue its existing policy with regard to sidewalks, curbs and gutters, except that the provisions of N.J.S.A. 40:65-1 et. seq., shall be applied to hold abutting landowners responsible for the repairs and reconstruction of the sections of the sidewalk, curbing and other concrete improvements ~~in-the-area-lying-between-the-driveway-and-the-blacktop-portion-of-the-roadway-as-well-as-other-areas-of-sidewalk,-curb-and-concrete~~ improvements where the repairs are necessary because of a condition attributable to the acts or negligence of the abutting property owner, of his predecessor in title or of anyone for whose acts or negligence the abutting property owner or predecessor in title is chargeable.

2. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #264-93/Ordinance #55-93 (Authorizing Lease - Marlboro Pop Warner) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 264-93

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

ORDINANCE # 55-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO  
A LEASE AGREEMENT WITH THE MARLBORO POP WARNER  
FOOTBALL LEAGUE, INC.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 28, 1993 at 8:00 p.m. at the Marlboro Municipal

Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 55-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO  
A LEASE AGREEMENT WITH THE MARLBORO POP WARNER  
FOOTBALL LEAGUE, INC.

WHEREAS, pursuant to Resolution No. 219-93, the Marlboro Pop Warner Football League, Inc. has constructed a storage building measuring approximately thirty (30) feet by fifty (50) feet, located on the Municipal Park Complex adjacent to the parking lot off of Lotta Burke Drive, which shall be dedicated to the Township of Marlboro; and

WHEREAS, once the said building has been dedicated to the Township, the Marlboro Pop Warner Football League, Inc., a non-profit corporation, would like to lease the premises back from the Township pursuant to N.J.S.A. 40A:12-1 et. seq., under the terms and conditions which have been specified in the attached Lease Agreement, which is attached hereto and made a part hereof; and \*SEE ATTACHED

WHEREAS, the Township Council has determined that the within Lease Agreement would benefit the purposes of the non-profit corporation as well as the Township's recreational programs and that the subject building is not otherwise needed for public use by the Township.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Township Clerk to attest the attached Lease Agreement between the Township of Marlboro and the Marlboro Pop Warner Football League, Inc.
2. That all other Ordinances or parts of Ordinances inconsistent herewith or in conflict with this Ordinance are hereby repealed.
3. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

LEASE AGREEMENT

TOWNSHIP OF MARLBORO TO MARLBORO POP WARNER  
FOOTBALL LEAGUE, INC.

PARTIES. The Parties to this Agreement are the Marlboro Pop Warner Football League, Inc., a non-profit corporation whose address is P.O. Box 134, Marlboro Township, Monmouth

County, New Jersey, referred to as the "Tenant" and the Township of Marlboro, a Municipal Corporation of the State of New Jersey whose address is 1979 Township Drive, Marlboro Township, Monmouth County, New Jersey, referred to as the "Landlord."

**PURPOSE OF AGREEMENT: AUTHORITY TO EXECUTE AGREEMENT.**

Pursuant to N.J.S.A.40A:12- 14(c), the purpose of this Agreement is to lease a building which is not otherwise needed for use by the Township of Marlboro to the Marlboro Pop Warner Football League, Inc. The Township Council has determined that this Agreement would benefit the purposes of the non-profit corporation as well as the Township's recreational programs and, accordingly, has authorized the Mayor to execute and the Township Clerk to attest the within lease.

**DURATION OF AGREEMENT.** In accordance with N.J.S.A.40A:12-15, the term of this Agreement shall be for a period of fifty (50) years, with the option to renew for an additional twenty-five (25) years upon the expiration of the first term. Should the tenant wish to renew, it shall provide notice, in writing, to the Township at least six (6) months prior to the expiration of the current term.

**DESCRIPTION OF THE LEASED PREMISES.** The premises to be leased consists of a pole barn storage building measuring approximately thirty (30) feet by fifty (50) feet, which is located in the Municipal Park Complex adjacent to the parking lot off of Lotta Burke Drive. A copy of a map prepared by Edward G. Broberg, P.E., of T & M Associates, dated July 6, 1981, depicting the general area of the leased premises is attached hereto as Exhibit A to this Agreement. The exact location of the leased building has been marked in a shaded area on Exhibit A.

**LEASE OF PROPERTY.** The Township hereby leases the premises described within this Agreement, the location of which is depicted in Exhibit A to the Marlboro Pop Warner Football League, Inc., subject to the conditions as hereafter provided, beginning on November 1, 1993.

**CONSIDERATION.** The consideration for the within lease shall be a one-time payment of the nominal sum of one dollar (\$1.00) to be paid by the Marlboro Pop Warner Football League, Inc. to the Township of Marlboro as well as the mutual promises and conditions specified below.

**CONDITIONS OF THE LEASE.** The Township of Marlboro and the Marlboro Pop Warner Football League, Inc. agree to the following terms as conditions of the lease:

- a. The property is to be used by the Marlboro Pop Warner Football League, Inc. in furtherance of the purposes of the non-profit corporation as well as to benefit the Township's recreational programs;

b. The Marlboro Pop Warner Football League, Inc. shall submit a certification (see attached Exhibit B to this Agreement) on an annual basis to the Business Administrator, on or before January 1, setting forth the use(s) to which the leasehold was put during the prior year, the activities undertaken by the Marlboro Pop Warner Football League, Inc. in furtherance of the public purposes specified above, the approximate value or cost, if any, of such activities in connection with these purposes, and an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal Law.

c. The Township of Marlboro shall be named as an additional insured of the Marlboro Pop Warner Football League, Inc., which insurance shall be acceptable to the Township Attorney. The Township shall be entitled to a copy of the said policy upon request. In addition, the Marlboro Pop Warner Football League, Inc. shall agree to indemnify and hold harmless the Township, its officers, employees and agents from any claim arising from injuries or property damage occurring on the subject property.

d. The Marlboro Pop Warner Football League, Inc. further agrees that, so long as the building is not otherwise needed for use by the Pop Warner, the Township may have access to and utilize the subject premises as necessary upon the prior approval of the Board of the Marlboro Pop Warner Football League, Inc.

**ENFORCEMENT.** The office of the Business Administrator of the Township of Marlboro shall be responsible for the enforcement of the terms and conditions of this lease.

**VALIDITY OF LEASE.** If a clause or provision of this lease is legally invalid, the rest of this lease shall remain in effect.

**ENTIRE LEASE.** All promises the landlord has made are contained in this written lease. This lease can only be changed by an agreement, in writing, by both the tenant and the landlord.

**IN WITNESS WHEREOF,** the Marlboro Pop Warner Football League, Inc. and the Township of Marlboro have caused this Agreement to be executed and attested as provided below.

The following Resolution #265-93 (H & K builders - Assignment of Performance Guarantees) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 265-93

**RESOLUTION AUTHORIZING THE ASSIGNMENT OF PERFORMANCE GUARANTEES TO H & K BUILDERS, INC.**

WHEREAS, Sol Leibel has advised the Township Council that he has conveyed all right, title and interest in a development known as School Road Woods (Block 364, Lots 29.01 through 29.07) on August 3, 1993 to H & K Builders, Inc.; and

WHEREAS, Mr. Leibel has executed the attached assignment in order to transfer all of his right, title and interest in the performance guarantees (P. B. #376-86) posted for the said development to the purchaser, H & K Builders, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the right title and interest in and to the performance guarantees posted by Sol Leibel (P. B. #376-86) for a development known as School Road Woods (Block 364, Lots 29.01 through 29.07) is and shall be assigned to H & K Builders, Inc., as follows:

- (1) The cash bond in the amount of \$32,355.00 shall be applied to the account of H & K Builders, Inc.
- (2) The inspection fees in the amount of \$9,561.49 shall be applied to the account of H & K Builders, Inc.

2. That upon completion of the development any excess funds shall be delivered to H & K Builders, Inc.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Sol Leibel
- b. H & K Builders, Inc.  
23 Kilmer Drive  
Morganville, N. J. 07751
- c. David Birnbaum, P.E., Township Engineer
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

The following Resolution #266-93 (Reduction in Letter of Credit & Cash Bond - Anthony Charles Assoc./Charles Alario) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 266-93RESOLUTION AUTHORIZING BOND REDUCTION -  
ANTHONY CHARLES ASSOCIATES/DR. ALARIO

WHEREAS, Anthony Charles Associates/Dr. Alario has requested the reduction of Township held performance bonds; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E., dated August 17, 1993; and

WHEREAS, the above report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Letter of Credit posted by Anthony Charles Associates/Dr. Alario in the original and present amount of \$9,201.00 shall be reduced by \$4,513.00, so that the amount to remain shall be \$4,688.00.
2. That the cash bond posted by Anthony Charles Associates/Dr. Alario in the original and present amount of \$920.00 shall be reduced by \$451.00, so that the amount to remain shall be \$469.00.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Anthony Charles Associates/Dr. Alario
  - b. Meadowlands National Bank
  - c. Township Engineer
  - d. Township Attorney

The following Resolution #267-93 (Authorization to Bid) was introduced by reference, offered by Council President Lichter, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 267-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Snow Removal  
Concrete Floor - Pole Barn  
Mason Contract  
Morganville Senior Citizen Facility Addition

The following Resolution #268-93 (Award of Bid: Emergency Generator Installation Jet Electric Inc. - \$11,000.00) was introduced by reference, offered by Councilman Gurtman and seconded by Councilman Broderick. Councilman Broderick commented that three vendors bid on this item, with a difference of over \$11,000, between the high bid of \$22,000 and the low bid of \$11,000. Because of this process, the Township was able to realize that \$11,000 in savings. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 268-93

BE IT RESOLVED THAT:

1. JET ELECTRIC INC.  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Emergency Generator Installation

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Jet Electric Inc.  
37 Throckmorton Lane, Old Bridge, N. J. 08857

on their low bid of: \$11,000.00.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #269-93 (Award of Bid: Call Taker Console) was introduced by reference, offered by Councilman Carpiano and seconded by Council President Lichter. Councilman Broderick asked if this item can be rebid, as there was only one bidder. Business Administrator Bob Albertson responded that this item is of a highly technical nature, and the amount of the bid is well within the amount budgeted. As the bidder met all the specifications, there would be no legal basis not to award the bid to this vendor. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 269-93

BE IT RESOLVED THAT:

1. FREQUENCY PLUS CORPORATION  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Call Taker Console

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Frequency Plus Corporation  
386 Old Bridge Turnpike, P. O. Box 249  
East Brunswick, N. J. 08816

on their low bid of: \$16,765.00.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Res. #270-93 (Veteran Deductions - Various), Res. #271-93 (Tax Refund - Block 339, Lot 84), Res. #272-93 (Redemption Tax Sale Certificates - Various), Res. #273-93 (Tax Court Judgment Refunds - Various), Res. #274-93 (Monmouth County Judgment Refunds - Various), Res. #275-93 (Raffle License Collier Services) and Res. #276-93 (Clean Communities Grant).

RESOLUTION #270-93

WHEREAS, Veteran deductions totaling \$100.00 have been granted as per the attached Schedule "A" for the year 1993,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
377	6	Paul Feigeles	\$ 50.00
384	2	Murray Hoffman	50.00
TOTAL-----			\$100.00

RESOLUTION #271-93

WHEREAS, a duplicate payment of 1993 third quarter taxes has been received in the amount \$1,475.62 for Block 339, Lot 84 assessed to Robert & Susan Mahoney,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$1,475.62 to the above-mentioned taxpayer.

RESOLUTION #272-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$119,874.55 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$119,874.55 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

<u>LIEN NO.</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
92-44	249/4	Susan Weiss	\$ 3,803.67
92-45	269/4	Cecilia A.P. & Seymour Silver	27,128.18
92-46	269/5	Cecilia A.P. & Seymour Silver	13,193.18
92-47	269/6	Cecilia A.P. & Seymour Silver	13,627.53
92-48	269/8	Cecilia A.P. & Seymour Silver	10,452.10
92-49	269/20	Cecilia A.P. & Seymour Silver	<u>51,669.89</u>
TOTAL-----			\$119,874.55

RESOLUTION #273-93

WHEREAS, the Tax Court of New Jersey has granted judgments for the years 1992 and 1993 as per the attached Schedule "A",

WHEREAS, the 1992 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,320.08 as per the attached Schedule "A",

WHEREAS, the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$3,462.29 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$3,320.08 and to apply \$3,462.29 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>1992 REFUND</u>	<u>1993 APPLY</u>
180 83	Crine Realty, Inc.	\$1,526.36	\$1,591.64
193 50	Crine Realty, Inc.	<u>1.793.72</u>	<u>1.870.65</u>
		\$3,320.08	\$3,462.29

AMOUNT TO BE REFUNDED: \$3,320.08

AMOUNT TO BE APPLIED: \$3,462.29

RESOLUTION #274-93

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year 1993 as per the attached Schedule "A",

WHEREAS, the 1993 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,000.38 as per Schedule "A",

WHEREAS, the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$17,771.31 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$2,000.38 and to apply \$17,771.31 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>1993 REFUND</u>	<u>1993 APPLY</u>
113 10	Feddersen, Gerald J. & Mary S.		171.58
121 1	Fore, William H. & Darlene c/o W. T. Blaine		433.71
121 2	Miller, Donald C. & Barbara S.		834.05

171	77	Adams, Albert W. Jr. & Linda A.	428.94
172	29	U S Homes Corporation -- N J Division	300.26
175	2	Gallin, Elynor & Renee Gallin c/o Robert A. Gladstone, Esq. 2,000.38	2,171.48
176	13	Drago, Joseph & Barbara	645.65
176	14	Drago, Joseph & Barbara	643.28
176	67.13	Ng, Gene & Lue Ling, Susan	189.20
180	25	Lieberman, Henry & Sonia	2,365.00
213	20	Love, Kevin	2,264.38
252	3	Kaminsky, Barry & Helen	624.98
267	28	Dhingra, Amarjit & Rema	113.52
270	13	Hennessy, R., R. Aronowitz & H. Hayak Sr.	2,244.39
272	3	Bilinski, John S. & Vickie L.	241.23
349	14	Fersht, Beryl	93.28
403	2	Klemuk, Gary & Mirita San Martin	163.24
413	25	Central Pipco Sanson, Inc. c/o Richard J. Harter, Esq.	3,192.51
413	39	Larrison, Harry J. (TRUSTEE)	650.63
			<hr/>
		\$2,000.38	17,771.31

AMOUNT TO BE REFUNDED: \$ 2,000.38

AMOUNT TO BE APPLIED: \$17,771.31

RESOLUTION #275-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 9-93 be and it is hereby granted to Collier Services.

BE IT FURTHER RESOLVED that said Raffle will be held on October 16, 1993 at 10 AM to 4 PM at Collier Services, 160 Conover Road, Wickatunk, N. J. 07765.

RESOLUTION # 276-93

CLEAN COMMUNITIES GRANT - 1994

WHEREAS, it is the desire of the governing body of the Township of Marlboro to provide a clean, litter-free environment for its citizens; and

WHEREAS, the Township of Marlboro is eligible to receive an annual grant under the Clean Communities Act of the State of New Jersey (N.J.S.A. 13:1E.99.1 et. seq., as amended by P.L. 1989, c.108 and P.L. 1992. c.150), as administered by the New Jersey Department of Environmental Protection and Energy, to create or to supplement an existing litter reduction program within the Township; and

WHEREAS, to be eligible for this funding the governing body of the Township of Marlboro must adopt a model program for litter control as required by N.J.S.A. 13: 13-99.2e, and must certify

that the model program has been adopted.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the governing body of the Township of Marlboro as follows:

1. That the Mayor and Township Clerk are hereby authorized to apply to the New Jersey Department of Environmental Protection and Energy and execute all documentation necessary for a grant to the Township of Marlboro of no less than \$28,081.00;
2. That, if any additional Clean Communities funding is awarded, all such additional funding will be used only on a program of litter reduction in accordance with the Grant Requirements and with all other conditions of this application;
3. That the Recycling Coordinator will be responsible for the Clean Communities program implementation, and Sidney Leveson is hereby designated as the Clean Community Coordinator;
4. That the Township will submit to the Department of Environmental Protection and Energy an application with an action plan and a spending plan; and that Model Program II, with all its requirements, is hereby adopted.
5. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Sheila Fishkin, Chief Financial Officer
  - b. Robert Albertson, Business Administrator
  - c. Sidney Leveson, Recycling Coordinator
  - d. Township Attorney

The following Resolution #277-93 (Authorizing Waiver of Fees - Orchards) was introduced by reference, offered by Council President Lichter, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #277-93

RESOLUTION AUTHORIZING THE WAIVER OF FEES -  
ORCHARDS AT MARLBORO

WHEREAS, the Orchards at Marlboro is applying for amended site plan approval before the Township Planning Board to enable residents of the development to construct individual patios behind their units; and

WHEREAS, in connection with the application for same, there are certain fees which are required pursuant to Sections 84-14.1 (Nonrefundable Fees: Schedule A) and 84-14.2 (Escrow Fees: Schedule B); and

WHEREAS, the Nonrefundable Fees pursuant to Section 84-14.1 consist of \$556.88 and the Escrow Fees pursuant to Section 84-14.2 consist of \$10,000.00 for professional reviews and \$300.00 for a Court Reporter; and

WHEREAS, Ms. Judy Fisher, the Property Manager for the Orchards at Marlboro Association, Inc., has requested that the Township consider waiving the above fees (see attached letters).

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Township fee of \$556.88 pursuant to Section 84-14.1 (Nonrefundable Fees: Schedule A) for amended site plan approval for the Orchards at Marlboro is hereby waived.
2. That the Escrow Fee of \$10,000.00 for professionals pursuant to Section 84-14.2 (Escrow Fees: Schedule B) for amended site plan approval for the Orchards at Marlboro is hereby waived.
3. That the \$300.00 fee for the services of a Court Reporter shall not be waived.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Judy Fisher, Property Manager, The Orchards at Marlboro Association, Inc., c/o Executive Property Management, 2-70 Towne Center Drive, North Brunswick, N.J. 08902
  - b. Brenda Schwartz, Planning Board Administrative Officer
  - c. Ronald Reisner, Planning Board Attorney; and
  - d. Township Attorney

The following Resolution #278-93 (Ratification of Contract - F.O.P.) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Gurtman. Councilman Friedman voiced his objection to one of the provisions of the contract (page 46, Paragraph B) which states that the employee may select an attorney at a maximum rate of \$160.00 per hour. He felt that amount is excessive, and was hopeful that in the future this amount can be negotiated at a lower figure. Mayor

Scannapieco commented that the attorneys will try to get rates lower than that amount whenever possible. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION 278-93

RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND FRATERNAL ORDER OF POLICE LODGE NO.15 (Sergeants & Lieutenants)

WHEREAS, the Township of Marlboro and the Fraternal Order of Police Lodge No. 15 (Sergeants & Lieutenants) have reached an agreement with respect to a successor Collective Bargaining Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Township Clerk to attest a Collective Bargaining Agreement between the Township of Marlboro and the Fraternal Order of Police Lodge No. 15 (Sergeants & Lieutenants) in accordance with the Memorandum of Agreement attached hereto and made a part hereof.

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

1. Robert Albertson, Business Administrator
2. Sheila Fishkin, Chief Financial Officer
3. Fraternal Order of Police Lodge No. 15
4. John Ross, Esq.
5. Township Attorney

The following Resolution #279-93 (Ratification of Contract - P.B.A.) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Gurtman. Councilman Friedman voiced the same objection as in the previous contract. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #279-93

RESOLUTION AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE POLICEMAN'S BENEVOLENT ASSOCIATION (PBA) LOCAL No.196

WHEREAS, the Township of Marlboro and the Policeman's Benevolent Association (PBA) Local No. 196 have reached an agreement with respect to a successor Collective Bargaining Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Township Clerk to attest a Collective Bargaining Agreement between the Township of Marlboro and the Policeman's Benevolent Association (PBA) Local No. 196 in accordance with the Memorandum of Agreement attached hereto and made a part hereof.

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

1. Robert Albertson, Business Administrator
2. Sheila Fishkin, Chief Financial Officer
3. Policeman's Benevolent Association Local No. 196
4. Dr. Simon Bosco
5. Township Attorney

The following Resolution #280-93 (Tax Court Judgments Applied - Various) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 280-93

WHEREAS, the Tax Court of New Jersey has granted judgments for the year 1993 as per the attached Schedule "A",

WHEREAS the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$5,408.75 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to apply \$5,408.75 to the respective taxpayers.

SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	1993 APPLY
268 59	Marlboro Plaza Associates	\$4,895.55
268 61	Marlboro Plaza Associates	513.20
		\$5,408.75

AMOUNT TO BE APPLIED: \$5,408.75

Administrative Report - Mayor Scannapieco read a Proclamation for Fire Prevention Week, October 3 - 9. He also stated that work will commence shortly utilizing the \$90,000 grant for improvements to Ryan Road. He also received notice this week of an additional \$4,000 FIMA grant in connection with the winter storms. Also, a recreation grant will be received for handicapped children. The Mayor stated that the license agreement has been signed allowing the Township to operate the commuter parking lot at Texas Road, and will advise Council when the ribbon-cutting ceremony will be held. With regard to the apparition issue, Mayor Scannapieco thanked Mr. Albertson and Chief Walker for overseeing the township's plan, as he was away on business. He reported that no incidents took place, as there was great cooperation between the residents and the Januskiewicz family. Mr. Albertson also thanked the Mon. County Sheriff's Dept. for their help, and Mayor Scannapieco also thanked the Police Departments of neighboring towns for their assistance. Councilman Gurtman asked the administration if notices on leaf collection could go out to residents informing them of the procedure. Mayor Scannapieco asked Mr. Albertson to look into this issue. Councilman Gurtman asked if the administration could write a letter to DOT requesting that they look into improving the intersection of Route 520 & 79. The Mayor responded that he will have Traffic & Safety and the Engineering Dept. address this issue with DOT and the County. Also, the intersection of Route 9 & Gordons Corner Road, which was brought up earlier by Councilman Gurtman, was discussed. The Mayor stated he would bring up this issue with Manalapan Township. Mr. Albertson announced that on Oct. 20th at 10 AM, the N. J. Transit Authority will be in Town Hall to present the results of the Route 9 corridor study. He had received a copy, and will make it available for Council's perusal.

Public Session - There was no one who wished to speak.

At 9:25 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *November 23, 1993*

OFFERED BY: *Friedman*

AYES: 4

SECONDED BY: *Carpiano*

NAYS: 0

Absent: *Gurtman*

*Evelyn M. Piccolini*

*Herbert Lichter*

\_\_\_\_\_  
EVELYN PICCOLINI  
MUNICIPAL CLERK

\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

October 14, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on October 14, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Carpiano, Councilman Friedman, Council Vice President Gurtman, and Council President Lichter. Councilman Broderick was absent.

Also present were: Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Regarding Item 1 (Monmouth Cablevision Changes), Mr. Robert Smith was present to give Council an overview of the changes in services and rates that have taken place as a result of the Cable Consumer Protection and Competition Act.

Regarding Item 2 (Monmouth County Improvement Authority), Dottie Blakeslee was present, and gave a presentation to Council on the programs offered through the Authority. She asked that Council consider their services for the township's future needs.

Item 3 (Zone Change - Sona - 5 acre to 1/2 or 1/4 acre) was removed from the agenda, as there was no one present.

Regarding Item 4 (Zone Change - Change in OPT Zone - as per PB recommendation) Council agreed with the Planning Board's recommendations that the OPT Zone be extended, and moved First Reading on the ordinance to the Oct. 28th meeting.

Regarding Item 5 (Review of Res. #230-93/Ord. #50-93 - Recycling Ordinance/Multifamily Housing Developments), Recycling Coordinator

Sidney Leveson was present for the discussion, and reviewed the ordinance with Council. Council moved First Reading of the ordinance to the Oct. 28th meeting. Mr. Leveson also informed Council that as a result of this ordinance, several changes need to be made in other sections of the Code. These will be presented to Council for their review at a later date.

Regarding Item 6 (MacDonald & Apgar - Storm Water Management Fund), the MacDonald & Apgar properties were discussed. The Storm Water Management Fund will be discussed later in the meeting under executive session, as it is a matter of anticipated litigation. Council discussed both these properties, as they are in imminent danger of being flooded out. Regarding the Apgar property, the levy is in danger of being undermined. Regarding the MacDonald property, the septic system is eroding. Both problems could cause serious harm to surrounding properties, thereby affecting public health and/or safety. Neither DOT nor the Board of Education have taken responsibility for either problem. Business Administrator Bob Albertson stated he would call the Mon. County Board of Health for verification that both problems are serious, and may affect the public health and/or safety. When such determination is made, it would give Council justification for taking action to remedy these situations. Mr. Albertson also pointed out that if the township decides to do nothing and a breach of the levy occurs at the Apgar property or there is a spill from the septic system at the MacDonald property, the town would certainly have liability. After discussion, it was Council's wish that the township move immediately to take whatever measures may be necessary to protect the public health and/or safety, and then later seek to recoup funds from DOT and the Board of Education. Council President Lichter asked that Mr. Albertson get in writing the Mon. County Health Department's findings, that the attorney's office contact Arthur Goldzweig, Esq. for all the latest correspondence in these matters, and that work commence to start alleviating these problems.

Regarding Item 7 (Ethics Board - Review of Draft Ordinance), Council reviewed the sample ordinance, which came directly from the State. Council asked that the ordinance be modified as to how it pertains to Marlboro, and that they see a draft ordinance specifically tailored to Marlboro. This will be discussed at the Oct. 28th meeting.

Regarding Item 8 (Township Donations), Township Attorney John Bennett stated that he spoke to Rich Turner of Dept. of Community Affairs, asking for an opinion in writing on what action, if any, is required by the governing body on such donations. When such letter is received, Council asked that this be forwarded to them prior to the Oct. 28th meeting.

Regarding Item 9 (Discharge of Sump Pumps), Township Engineer David Birnbaum informed Council that State law prohibits discharge of sump pumps into the sewer system. He stated that discharge should be dealt with on a site specific basis. The proposed ordinance will be enforced through CCO inspections and on all new construction. Council moved First Reading of the ordinance to the Oct. 28th agenda.

Regarding Item 10 (Shrubbery Pick-up), Business Administrator Bob Albertson stated that the administration is working on how and when shrubbery pickup will take place, and will have corrections to the ordinance and a plan ready for Council's review at the next workshop meeting, Nov. 10th.

Regarding Item 11 (Outside Contracts for Police), Mr. Raffetto spoke to Joe Orlando, who advised that the township follow the guidelines established by the Prosecutor's office. Both Mr. Orlando and Chief Walker are in agreement with this procedure, which initially establishes an ordinance, and then sets the fees for special duty officers by resolution. Council agreed, and moved First Reading of the ordinance and adoption of the Resolution to the Oct. 28th agenda.

Regarding Item 12 (Sale of Property - Martha Place) will be discussed at the next workshop meeting, as the appraisal had not yet been received by the township.

Regarding Item 13 (Police Hiring Supplement Program), Council agreed that the grant should be applied for, in order to find out how much funding will be forthcoming. When Council is informed of what the cost will be, they will then make a decision on whether they wish to proceed.

Item 14 (Res./Ord. - Title 39 - Parking - Texas Road - Movies at Marlboro) was moved to the Oct. 28 agenda for First Reading.

Regarding Item 15 (1993 Salary Ordinance - Department Heads), Business Administrator Bob Albertson informed Council that it is not ready yet, and will be addressed at the Nov. 10th workshop meeting.

Regarding Item 16 (Second Reading/Marlboro Hillside Advisory Board), Township Attorney John Bennett informed Council that an application has been filed with the Planning Board, and suggested that Council wait on adoption of this ordinance.

Regarding Item 17 (Res. #229-93/Ord #49-93 - Amend Chapter 66 - Disclosure Info. Vol. Fire Companies), Council asked that Mr. Raffetto follow up with the fire companies to get their input. This will be discussed at the Nov. 10 workshop meeting.

Regarding Item 18 (Res. #261-93/Ord. #52-93 - Second Reading/Vacating Buck's Lane), Council discussed when they should proceed with adoption of this ordinance, in light of the request by the developer that they not proceed. Township Attorney John Bennett stated that he recommended that Council proceed with the vacation of the road. This would ensure that the developer would have to come back to Council if he is not able to secure another crossing. As far as the developer owing taxes to the township, Mr. Bennett stated that those taxes would have to be paid prior to his getting any approvals at the Planning Board level. Council moved adoption of the ordinance to the Oct. 28th agenda.

Items 19 (Bond Release Melcorp./Champion Sports Site Plan) and 20 (Dedication by Rider) were moved to the Oct. 28th agenda.

Item 21 (Change Title & Text) was removed from the agenda by the Chief Financial Officer.

Regarding Item 22 (Res./Ord. - Speed Limits Boundary Road), Council asked Township Attorney John Bennett to check with Colts Neck Township to make sure the speed limit is consistent with theirs before proceeding with the ordinance. This was moved to the Oct. 28th agenda, if ready.

The following items were moved to the Oct. 28th agenda: Item 23 (First Reading/Emergency Street Closing), Item 24 (Opposing A-2254 - Fees Charged Developers), Item 25 (Tax Collector Resolutions - 5), Item 26 (Raffle License Little League), Item 27 (Elevator Inspection by State) and Item 28 (Correction and/or Approval of Minutes: September 9, 1993).

At 10:00 P.M., Council President Lichter moved that the meeting go into Closed Session for the purposes of discussing litigation and personnel. This was seconded by Councilman Carpiano, and the following resolution was passed on a roll call vote of 4 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of October, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 10:31 PM, Councilman Carpiano moved that the meeting be adjourned. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Broderick.

MINUTES APPROVED:

OFFERED BY:

AYES:

SECONDED BY:

NAYS:

---

EVELYN PICCOLINI  
MUNICIPAL CLERK

---

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

October 28, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on October 28, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Lichter. Councilman Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Citizen's Voice - Frank Abate - 12 Norma Court - asked that a temporary fence be constructed around the construction site at the Municipal Complex. The Mayor stated that he will have this matter addressed. Cliff Radisch - 5 Riley Road - President of Marlboro Little League, addressed recent articles in the Asbury Park Press, which were incorrect, about the donations given to the Little League by the Marlboro Improvement and Cultural Fund. Nick Romano - 8 Burr Ave. and Tony Pavia - 10 Burr Ave. - requested that the Council consider vacating the conservation easements on each of their properties. They explained that the reason for the conservation easements was that the original mapping of the area contained wetlands, and that it no longer is the case. Council asked that this matter be placed on the agenda for the next workshop meeting, Nov. 10th. Toby Brown - 18 Steeplechase Drive - voiced her concerns about the proposed Mount Laurel project on Ryan Road. She cited several environmental and health problems (including a noxious odor) that occurred on Dan Werbler's project, Steeplechase Manor, and stated that these problems have not been rectified. She also cited traffic, and overburdened schools and local services as potential problems.

Council President Lichter gave a brief history of the proposed Mount Laurel project. Planning Board Chairman, Sam Alfano, was in

the audience and confirmed Council President Lichter's statement that this project is not before the Planning Board as yet. The conceptual plan had been brought before the Technical Committee, and was not accepted. Council President Lichter asked that the Township Attorney look into whatever means are possible to renegotiate this project in order to lessen the impact on this area. If this project cannot be renegotiated in the courts, he suggested negotiating with the developer directly. This was put forth as a motion, which was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Neil Randell - 17 Steeplechase Drive - stated that a group of residents had written to the DEPE informing them that the areas adjacent to their property are wetlands, with several areas of running water, and many varieties of wildlife. The residents asked that the DEPE conduct an inspection of this area, in order to try to preserve these natural conditions. Their letter also described the intolerable odor of hydrogen sulfide, and the Board of Health recommended that the pipe which was installed by Mr. Werbler be removed. Mr. Randell asked to be kept informed on what is happening, and Mr. Alfano reminded the residents that those within 200 feet will be notified by certified letter. The residents also asked that a notice be placed in the newspaper informing them as to when this matter will be discussed. The Mayor stated that he will inform Mr. Randell, who will be the group's spokesperson, when this matter comes before the Planning Board at a workshop meeting. Judy Richmond - 30 Quebec Road - spoke about the Marlboro Improvement and Cultural Fund, describing its function, purposes and goals. She also clarified what and why donations were given to the Marlboro Little League. Charles Lein - 78 Church Road - spoke about the soccer lights, stating that they were originally brought forth by the Marlboro Soccer Board, of which he was a member, as a donation. He also spoke about fliers which were handed out at Marlboro High School. Sam Alfano - 430 Tennent Road - Chairman of the Planning Board - spoke about the fliers on the Mount Laurel development that were distributed anonymously, needlessly alarming residents by using scare tactics.

Councilman Friedman called for an administrative, Council and Planning Board review of all Werbler developments, to determine whether Mr. Werbler has met his responsibilities to the people of Marlboro and to those who purchase his property. This was offered as a motion, and was amended by Council President Lichter, to state all Werbler developments past and present. Such motion was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Jonathan Harwood - 27 Burr Avenue, Anthony Durso - 29 Burr Avenue, and Bob Farrell - 24 Burr Avenue - brought to Council's attention that the townhouse development, Pointe de Jardin, which is behind their property, was built only 40 feet behind them, when the map in the sales office had depicted such development as having a

280 foot buffer with many trees. The trees had been removed, and they stated that they had been misled by the builder and had signed documents. This had occurred July, 1991. They asked for help in getting information, and stated that the group had scheduled a meeting with the Mayor on Nov. 8th. The group felt that there is a safety issue, as well as an aesthetics issue. Council President Lichter asked that this matter be placed on the agenda for the Nov. 10th workshop meeting. Cary Cuttler - spokesman for VOICE (Voters Opposed to Industrial Company's Emissions) - 21 Chatham Ridge, Freehold - brought to Council's attention the proposed cogeneration facility, which will convert natural gas into steam and electric. Also, a facility which will convert sludge to methanol is being considered, which is still experimental. This would affect all surrounding townships. The group will be sending a packet of information to the Council, and Council asked that this matter be placed on the agenda for the Nov. 10th workshop. Robert Emmons - 31 Hudson Street - spoke in opposition to more development in the township, and the need for additional police officers. Officer Mc Burnie - President of the PBA - asked that Council respond to the Buracker Report, and hire additional police officers. He asked that Council consider hiring additional police officers, and consider a referendum to exceed the CAP. The Mayor responded that Chief Walker will be issuing a response to the Buracker report by Nov. 15th, such report giving the Chief's opinion on several issues including the hiring of additional police officers. The Mayor stated that he will fund as many additional police officers as possible in the 1994 budget. Also, a grant is being applied for which may provide funds for the hiring of additional police officers. The Mayor asked the Municipal Clerk for information on the procedure for a referendum for the next workshop meeting.

Council then took a 15 minute recess.

Citizen's Voice was then continued. Edward Braunstein - 7 Old Scots Rd. - stated that he had requested a bond release and was told by the Township Engineer that he would have to submit an as-built drawing. Township Engineer confirmed that soon as the as-built has been furnished, and a maintenance bond posted, the bond can be released. Mr. Braunstein asked that Council consider waiving the maintenance bond, as the improvements are already three years old. This matter was moved to the Nov. 10th agenda.

Council Speaks Out - Councilman Broderick commended Carole Kutlin, independent candidate for Council, on pressing charges against the persons who made harassing phone calls to her. Councilman Friedman recognized the volunteers that assisted at the Senior Flu Shot program, during which 390 persons were vaccinated: Ruth Young, Gertrude Weinberg, Charlotte Buchalter, Gloria Antisell, Stella Flood, and Pat Grueiro, Recreation Commissioner. He also addressed the flooding problem at the MacDonald and Apgar properties, suggesting that the township meet with DOT officials

inviting them and the two families to the next workshop meeting. Council agreed, and asked that this matter be placed on the Nov. 10 agenda.

Councilman Carpiano moved that the minutes of September 9, 1993 be approved. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

The following Resolution #261-93/Ord. #52-93 (Vacating Buck's Lane) was introduced by reference, offered by Council President Lichter and seconded by Councilman Friedman. The Public Hearing on this ordinance had been held on October 7. Discussion followed, as the developer had asked that the Council hold off on adoption of this ordinance. A letter stating this is on file. Mr. Bennett recommended that Council proceed with adoption, as in the event the developer is not successful in obtaining another crossing he would have to come back to Council for further action. Mr. Bennett stated that the zone change had been done by Council based on the fact that the developer was seeking a crossing other than Buck's Lane, and if this could not be accomplished, then Council would have to decide how to proceed. Mr. Robert Emmons - again brought up the fact that the developer has been delinquent in paying his taxes. Mr. Bennett responded that no Planning Board approvals will given until all taxes are paid. Vote was taken, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 261-93

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

ORDINANCE # 52-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING THE PUBLIC RIGHT IN A NEW JERSEY TRANSIT RAILROAD CROSSING LOCATED AT THE INTERSECTION OF BUCK'S LANE (A.K.A. SCHANCK ROAD) AND RAILROAD AVENUE IN THE TOWNSHIP OF MARLBORO AS WELL AS VACATING THE PUBLIC RIGHT IN THAT PORTION OF BUCK'S LANE WHICH RUNS IN AN EASTERLY DIRECTION THEREFROM WITHIN THE TOWNSHIP OF MARLBORO.

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

Council President Lichter opened the Public Hearing on Ord. 54-93 (Amend Chapter 127 - Sidewalks). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #281-93/Ord. #54-93 was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as

there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 281-93

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

ORDINANCE # 54-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 127 (SIDEWALKS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #55-93 (Authorizing Lease - Marlboro Pop Warner). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #282-93/Ord. #55-93 (Authorizing Lease - Marlboro Pop Warner) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 282-93

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

ORDINANCE # 55-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A LEASE AGREEMENT WITH THE MARLBORO POP WARNER FOOTBALL LEAGUE, INC.

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

The following Resolution #230-93/Ord. #50-93 (Amend Chapter 118 - Recycling) was introduced by reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 230-93

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

ORDINANCE # 50-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 118 (RECYCLING) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 50-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 118 (RECYCLING OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. The title of Chapter 118 of the "Code of the Township of Marlboro, New Jersey" is hereby amended to read as follows:

**CHAPTER 118-RECYCLING AND SOURCE SEPARATION**

2. The body of Chapter 118 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows:

**118-1. Effective dates for specific requirements.**

A. On and after October 1, 1987, it shall be mandatory for all persons who are owners, lessees and occupants of residential property to separate glass bottles and jars, aluminum beverage cans, newspapers, and leaves and used motor oil, as hereinafter defined, from all other solid wastes for collection and ultimate recycling of said materials.

B. On and after April 1, 1988, it shall be mandatory for all owners, lessees and occupants of business and industrial property and of private, public and governmental institutions and buildings to separate glass bottles and jars, aluminum beverage cans, newspapers, leaves, used motor oil, corrugated cardboard, high-grade paper and tin and bimetal cans, as hereinafter defined, from all other solid wastes for collection and ultimate recycling of said material.

C. On and after April 1, 1988, it shall be mandatory for all persons who are owners, lessees and occupants of residential

property to separate tin and bimetals cans from all other solid wastes for collection and ultimate recycling of said material.

D. On and after October 1, 1988, it shall be mandatory for all persons who are owners, lessees and occupants of residential property or owners, lessees and occupants of business and industrial property and of private, public and governmental institutions and buildings to separate construction, demolition and land debris, as hereinafter defined, from all other solid wastes for collection and ultimate recycling of said materials.

~~E. On and after April 1, 1988, it shall be mandatory for all nonresidential establishments not served by the municipal recycling program to provide a record to the municipality of the types and quantities of materials recycled. Weight receipts and/or letters on official company stationery should clearly describe the quantity and disposition of each material.~~

E.-F. On and after the adoption of this chapter and in accordance with existing state regulations (N.J.A.C. 14A:3-11), all service stations, oil retailers and motor vehicle reinspection stations with used-oil holding tanks shall accept up to five (5) gallons at a time of used motor oil from individuals changing oil from cars, lawn mowers or motorcycles and shall post a sign informing the public that they are a "used-oil collection site."

F. On and after May 1, 1993, it shall be mandatory for all owners, lessees and occupants of residential and non-residential property to separate grass clippings from other solid waste and dispose of same by grasscycling, home composting or delivery to authorized compost site.

G. On and after July 1, 1993, it shall be mandatory for all owners, lessees and occupants of residential and non-residential property to separate wet and dry cell batteries from other solid waste for recycling or disposal through available hazardous waste collection programs.

H. On and after July 1, 1993, it shall be mandatory for all owners, lessees and occupants of residential and non-residential property to separate white goods from other solid waste. These items should be directed to local scrap yards and/or other metal recyclers which are approved by the County.

I. On and after September 1, 1993, it shall be mandatory for all owners, lessees and occupants of residential and non-residential property to separate asphalt shingles from other solid waste for recycling. These items should be directed to an appropriate asphalt recycling facility approved by the County.

J. On and after November 1, 1993, it shall be mandatory for all owners, lessees and occupants of residential and non-residential property to separate concrete, asphalt, tree stumps and large tree parts (over three (3) inches in diameter),

from other solid waste and bring same to appropriate recycling facilities. Small quantities from residential properties, however, i.e., less than one-third (1/3) cubic yard or approximately two (2) thirty (30) gallon trash cans, shall be exempt from this requirement.

K. On and after November 1, 1993, it shall be mandatory for all applicants for construction and demolition permits to identify disposal and recycling arrangements for all recyclable materials prior to the issuance of a permit. In addition, following the demolition of a structure, a construction permit covering the same site shall not be issued until the applicant has exhibited a satisfactory bill of lading to the Construction Official and Recycling Coordinator showing that the debris from the previously demolished structure has been disposed of at an approved facility.

L. On and after November 1, 1993, it shall be mandatory for all new multifamily housing developments which require subdivision or site plan approval to provide an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials as follows:

1. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P.L. 1987, c.102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c.102.
2. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from a refuse dumpster.
3. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.
4. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins

or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

5. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.
6. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

#### 118-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

**ALUMINUM** - Includes all disposable aluminum containers used for soda, beer or other beverages.

**ASPHALT SHINGLES** - Includes all shingles composed of asphalt which are generated at commercial and residential construction sites.

**BIMETAL CANS** - Includes all disposable soda, beer or other beverage containers or food containers made from a combination of aluminum and steel or tin-plated steel.

**CONSTRUCTION, DEMOLITION AND LAND CLEARING DEBRIS** - Includes asphalt, concrete and wood wastes, specifically stumps, large tree parts, pallets and waste lumber from construction and demolition, such as boards, two-by-four's scrap shingles and other wood structural materials.

**CORRUGATED CARD BOARD** - Includes cardboard of the type used to make cardboard boxes, cartons and pasteboard and similar corrugated and kraft paper material.

**DRY CELL BATTERIES** - Includes all batteries intended for general household and/or other use.

**GLASS** - Includes all products made from silica or sand, soda ash and limestone; the product being transparent or translucent and being used for packaging or bottling of various materials, excluding, however, blue or flat glass commonly known as "window glass."

**GRASS CLIPPINGS** - Includes all grass cuttings which have been collected and removed from turf areas.

**HIGH-GRADE PAPER** - Includes white or off-white stationery and photocopy and computer paper.

**LEAVES** - Includes all thin, flat outgrowth from the stem of a tree or other plant.

**MULTIFAMILY HOUSING DEVELOPMENT** - Means a building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

**NEWSPAPER** - Includes all paper of the type commonly referred to as "newsprint." "Newspapers" do not include magazines, periodicals, books and paperbacks, as well as any other paper products of any material whatsoever.

**RECYCLING AREA** - Means space allocated for collection and storage of- source separated recyclable materials.

**RECYCLABLE MATERIALS** - Means those items which must be separated from other solid waste for recycling pursuant to this Chapter.

**SOLID WASTE** - Includes all garbage and rubbish normally produced by the occupants of commercial, industrial and residential property and disposed of by private or public pickup.

**TIN CANS** - Tin-coated steel cans used primarily for canned products.

**WET CELL BATTERIES** - Includes all batteries intended for automotive use.

**WHITE GOODS** - Includes all large appliances which may be made from metal, steel, cast iron or other material and which may contain CFCs or HCFCs, such as refrigerators, freezers, air conditioners, humidifiers, stoves, washers and dryers, dishwashers, water heaters and plumbing fixtures. This list is intended -to be typical and is not exclusive.

**118-3. Recycling Coordinator.**

- A. Establishment. The position of Recycling Coordinator is hereby created and established within the Township of Marlboro.
- B. Qualifications. The Recycling Coordinator shall have all of the qualifications of the New Jersey State civil service classification entitled "Coordinator, Recycling Program."

- C. Responsibilities and Authority. The Recycling Coordinator shall have all of the responsibilities given to the Recycling Coordinator pursuant to state statute and the ordinances of the Township of Marlboro. The Recycling Coordinator shall also have the following authority: to designate municipal recycling sites as needed; to promulgate rules and regulations concerning the separation, placement, storage, handling and management of recyclable materials; to establish a schedule for pickup of recyclable materials; to be-responsible-for-the establishment and manage of a program to inform and educate the public; and to perform any other task or duty which is necessary in order to effectuate the provisions of this Chapter.

**118-4. Collection of recyclable material.**

- A. The township may use municipal personnel to collect recyclable material set forth herein at curbside and/or from a drop-off center and shall sell said recyclable material if a market exists therefor pursuant to N.J. S.A. 40A: 11-1 et seq.
- B. The township and/or residents, businesses and institutions within the Township may elect to enter into agreements with qualified individual or corporations, authorizing them to collect said recyclable material at curbside and/or from a drop-off center and to sell and/or transport said recyclable materials to an end user. Qualified individual or corporations include only those recycling haulers and/or facilities registered with the County. Each such qualified individual or corporation must further comply with the reporting requirements of Section 118-6.1 of this Chapter. Any non-compliance with this section shall cause an initial warning to be issued, followed by the assessment of penalties pursuant to Section 118-7 of this Chapter.

**118-5. Unauthorized collection prohibited.**

- A. Recyclable material, as defined herein, shall be the property of the township once it is placed on the curbside or brought to a drop-off center.
- B. It shall be a violation of this chapter for any person not authorized by the township to pick up or cause to be picked up said recyclable material, as defined herein. Each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

- C. It shall be a violation of this Chapter for any hauler operating within the limits of the Township to collect recyclable material, as defined herein, which is disposed of and mixed in with other solid waste. Recyclable material may be collected solely in conformance with the provisions of this Chapter.

**118-6. Direct disposal of recyclable material. by-residents**

- A. Anything herein to the contrary notwithstanding, any individual, partnership or corporation who is owner, lessee or occupant of a residential or nonresidential property may donate, pay, for the removal of or sell said recyclable material, as defined herein, to any individual, partnership or corporation whether or not operating for profit. Said individual, partnership or corporation however, shall not pick up said recyclable materials at curbside or at a municipal drop-off center.
- B. The individual, partnership or corporation shall also maintain records in conformance with this chapter ~~so that the which~~ may be used by the Township of Marlboro may use the records in order to apply for grants or for any other purpose consistent with this Ordinance or the laws of the State of New Jersey. The records shall be available to the Township of Marlboro upon reasonable request.

**118-6.1 Reporting requirements.**

- A. All non-residential establishments, businesses and institutions as well as multifamily housing developments not served by municipal recycling collection programs shall provide shall-report-to the Recycling Coordinator with the name and address of each hauler who is picking up any type of recycling material and the type of material being picked up by the hauler. Each such hauler must be registered with the County. Weight receipts and/or letters on official company stationery should clearly describe the quantity and disposition of each material. Those hauling their own recyclables shall file a quarterly report which shall be signed by an officer of the company with the Recycling Coordinator detailing the quantity and destination of recyclables, which destination must be approved by the County. Each business such entity shall be responsible to notify the Recycling Coordinator of any changes made in this report. The changes are to be filed with the Recycling Coordinator within ten (10) days after a change is made.
- B. All persons individuals or entities collecting recyclable material within the Township of Marlboro

must be registered with the County. Each such in individual or entity shall file a quarterly list-of all-businesses-from-which-the-recyclable-are-collected and-identify-the-materials-being-picked-up-from-each business report with the Recycling Coordinator all be signed by an officer of the company within thirty (30) days of the end of each quarter, which shall include the quantities and destination of each recyclable material which have been collected from Marlboro Township residents, businesses and institutions. The destination of the recyclable material(s) must be approved by the County. Additionally, such individual or entity shall within thirty (30) days of the end of each year, file an annual report with the Recycling Coordinator which shall be signed by an officer of the company indicating the total quantities of each recyclable material which have been collected over the year from Marlboro Township resident, businesses and institutions.

- C. All recycling facilities receiving recyclable materials from residents, businesses, institutions and/or multifamily housing developments within the Township must be registered with the County. Each such facility shall file a quarterly report with the Recycling Coordinator which shall be signed by an officer of the receiving facility within (30) days of each quarter showing the quantities of each recyclable material which originated from Marlboro Township. Additionally, all such facilities shall within thirty (30) days of the end of each year, file an annual report with the Recycling Coordinator which shall be signed by an officer of the receiving facility indicating the total quantities of each recyclable material which have been collected over the year from Marlboro Township residents and businesses and institutions.

118-7.

- A. Any individual, partnership or corporation who violates or neglects to comply with any provision of this Chapter or any rule or regulation promulgated pursuant thereto shall be subject to an initial warning. Subsequent thereto, any violation shall be punishable, upon conviction thereof, by a fine not to exceed the maximum allowable amount or up to the maximum number of days in jail permitted, or both, except that the maximum fine or penalty for the failure to comply with Section-118-1A-though-F-inclusively this Chapter or any rule or regulation promulgated pursuant thereto shall not exceed fifty-dollars-(\$50) five hundred dollars (\$500.00) per offense. As an

alternative penalty, a convicted individual may be ordered to perform community service in the recycling program for a period not to exceed ninety (90) days.

Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.

- B. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.
- C. In addition, any individual, partnership or corporation that is found to have any recyclable materials, as defined herein, in its solid waste collected until such time as recyclable materials are not included in its solid waste.
- D. In the case of a refuse collector or garbage collector who finds violations of this chapter by reason of a person or persons mixing recyclable materials with refuse, garbage or other nonrecyclable materials, then the refuse and/or garbage collector shall be responsible to affix a warning label to the container containing the materials. The warning labels will be provided by the Township of Marlboro at no cost to the refuse and/or garbage collector.
- E. Until warnings are affixed and notice given to the Recycling Coordinator in accordance with this provision, then the person collecting the nonrecyclable materials must continue to collect the nonrecyclable materials.

**118-8. Enforcement.**

This chapter and violations and penalties as stated in Section 118-7 will be enforced by the Recycling Coordinator, the Township Code Enforcement Officer, and/or the Township Police Departments who will have the power to issue warnings and/or summonses as delineated in Section 118-7 for non-compliance with provisions of this chapter.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #283-93/Ord. #56-93 (Amend Zoning - OPT I Zone) was introduced by reference, offered by Council President Lichter and seconded by Councilman Carpiano. Councilman Friedman discussed the effect detention basins have on surrounding properties, and asked that Council consider an ordinance making it mandatory that aeration facilities be constructed in detention basins. This was moved to the Nov. 10th workshop for discussion. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 283-93

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

ORDINANCE # 56-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED, "LAND USE DEVELOPMENT AND REGULATIONS" SO AS TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 56-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED, "LAND USE DEVELOPMENT AND REGULATIONS" SO AS TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

WHEREAS, the Marlboro Township Planning Board and Township Planner have undertaken a review of the existing OPT-1 Zone in the Township of Marlboro; and

WHEREAS, following this review, the Planning Board passed a Resolution on September 22, 1993, recommending that the Township Council change the zoning designation of certain properties within the Township to the OPT-1 Zone (see Resolution attached hereto and made a part hereof); and

\*Copies of attached material to be found in regular minute book in Clerk's office.

WHEREAS, the Township Council is satisfied that the within zone change is in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, as follows:

1. That Section 84-29, entitled "Districts; Map and Boundaries; Schedule of Requirements", of Chapter 84 of the Code of the Township of Marlboro is hereby amended and supplemented to the effect that Subsection B thereof entitled "Zoning Map", shall be amended so as to re-zone certain properties from the R-20 zoning designation to the OPT-1 zoning designation, in accordance with the revised Zoning Map of the Township of Marlboro prepared by Maser Sosinski & Associates, P.A., dated November 23, 1993, as follows:

Block 268, Lots 24, 25, 26, 71, 72, 73, 74, 75, 76, 77, 78, and that portion of Lot 79 which measures to a depth of 210 feet from the right-of-way line of Route 520.

2. That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

3. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

Res. #284-93/Ord. #57-93 (Establishing Board of Ethics) was tabled to the Nov. 10th meeting, as the Township Attorney was in the process of making the necessary modifications.

The following Resolution #285-93/Ord. #58-93 (Prohibiting Discharge of Sump Pumps into Sewer System) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 285-93

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

ORDINANCE # 58-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 58-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-104 (Stormwater Management) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented to establish a subsection Y thereof, entitled "Prohibitions on the Discharge of Storm Drainage and Ground Water" as follows:

**Y. Prohibitions on the Discharge of Storm Drainage and Ground Water.**

(1) Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections of a sump pump, cellar drain or any other means of conveyance into a community sanitary sewer owned or operated by the Western Monmouth Utilities Authority or any other sewerage authority.

(2) Any person who is convicted of violating any provision of this section shall be fined not less than fifty (\$50.00) dollars for a first offense and not less than one hundred (\$100.00) dollars for each subsequent offense.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #286-93/Ord. #59-93 (Title 39 - Movies at Marlboro) was introduced by reference, offered by Councilman Friedman and seconded by Councilman Broderick. Councilman Friedman asked about the possibility of constructing some daily pay spaces in the lot, and after discussion, the Township Attorney was asked to review the agreement entered into between the township and the owner of the lot to ascertain whether this can be done. In the meantime, Council proceeded with first reading, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 286-93

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

ORDINANCE # 59-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY" SO AS TO MAKE THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE MARLBORO CROSSINGS/LERNER-HEIDENBERG PARK AND RIDE COMMUTER PARKING LOT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 59-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY" SO AS TO MAKE THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE MARLBORO CROSSINGS/LERNER-HEIDENBERG PARK AND RIDE COMMUTER PARKING LOT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES.

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

1. Section 138-37 (Additional Parking and Traffic Regulations) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to create a new subsection "M" as follows:

M. Marlboro Crossings /Lerner-Heidenberg Associates. Marlboro Crossings/Lerner-Heidenberg Associates has filed a written consent with the Township of Marlboro that the provisions of Subtitle One, Title 39, of the Revised Statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at

the Marlboro Crossings/Lerner-Heidenberg Park and Ride Commuter Parking Lot, located in the Township of Marlboro, County of Monmouth, and the following regulations shall be enforceable:

- (1) All vehicles must be parked only in designated areas and between the lines provided.
- (2) **HANDICAPPED PARKING.**  
All stalls shall be twelve (12) feet wide as shown on the attached site plan\* and signed with R7-8 (reserved parking signs and penalty plate), in the designated parking areas for persons who have been issued handicapped parking permits by the Division of Motor Vehicles.
- (3) **RESERVED PARKING.**  
The parking lot has reserved parking for various vehicles which must be properly identified as per site plan.
- (4) **RESTRICTED PARKING.**  
No person shall stop or stand a vehicle anytime upon any of the following described roadways or parts of roadways:

NAME OF STREET	SIDE	LOCATION
A Street	Both	Entire length
B Street	Both	Entire length

NO person shall park a vehicle over night.

- (5) **TOW AWAY ZONE.**  
Any vehicle parked or standing so as to obstruct or impede a normal flow of traffic or block entrances/exit ways or in any grassy area or pedestrian walkway or otherwise present in any way so as to pose a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.
- (6) **WEIGHT LIMITATIONS.**  
Trucks over four (4) tons gross weight are hereby excluded from the main parking area, except for pickup and delivery of material in the area.
- (7) **THROUGH STREETS.**  
The following streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through streets:

\*Copies of attached material to be filed in the office of the Municipal Clerk.

**NAME OF STREET**  
A Street

**LOCATION**  
From a point 15 feet east  
of its westerly terminus  
for its entire length.

- (8) **SPEED LIMITS.**  
(a) The speed limits for both directions of traffic in the parking lot and roadway lane shall be 15 MPH.  
(b) Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.
- (9) All signs, posts, bolts or other necessary materials shall be installed and paid for by the applicant. Work shall be checked by the Police Department to insure installations meet State and Federal Specifications, and all signing shall conform to the current Manual on Uniform Control Devices. The Township of Marlboro shall maintain all signs and necessary striping of pavement markings upon taking control of the commuter section.
- (10) Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than five hundred dollars (\$500.00) or imprisonment for a term not exceeding fifteen (15) days or both.
- (11) **COMMUTER PERMIT.**  
The parking spaces shall be set aside for commuter parking by PERMIT ONLY. Permits shall be issued by the Township of Marlboro and affixed to vehicles authorized to use the spaces. Commuter parking spaces shall be clearly marked and signed.
- (12) Any vehicle parked in any such parking area in violation of this Article, may be removed from the parking area upon order of any police officer, and the owner thereof shall pay the reasonable cost of such removal before being allowed to regain possession of the vehicle, and such costs of removal and storage shall be in addition to any penalty or fine hereinbefore provided.
- (13) **EFFECT REGULATIONS.**  
If any part of this regulation is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of the regulation.

The following Resolution #302-93 (Supporting Adoption of a Senate Resolution Which Petitions the Congress to Investigate the Disappearance of Four Israeli Soldiers) was introduced by

reference, offered by Council President Lichter, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #302-93

A RESOLUTION OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, SUPPORTING THE ADOPTION OF A SENATE RESOLUTION WHICH PETITIONS THE CONGRESS OF THE UNITED STATES TO INVESTIGATE THE DISAPPEARANCE OF FOUR (4) ISRAELI SOLDIERS

WHEREAS, on October 14, 1993, Senator John O. Bennett, III, Deputy Majority Leader of the New Jersey State Senate, introduced the attached Senate Resolution which calls upon the new Jersey State Senate to petition the United States Congress to investigate the disappearance of four (4) missing Israeli soldiers believed to be held in captivity by Islamic fundamentalists; and

WHEREAS, the Marlboro Township, Monmouth County, Chapter of Hadassah has instituted a nationwide petition to call upon President Clinton and the Secretary of State, Warren Christopher, for official United States involvement in learning the fate of the four (4) missing men.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby joins New Jersey State Senator John O. Bennett, III in his petition to the United States Congress calling for official involvement in learning the fate of the four (4) missing men and that it supports the adoption of the Senate Resolution proposed by Senator John O. Bennett, III, which is presently pending in the New Jersey State Legislature.

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

- a. President Clinton
- b. Secretary of State Warren Christopher
- c. Donald Di Francesco, Senate President,  
New Jersey State Senate
- d. Marlboro Township Chapter of Hadassah

The following Resolution #287-93/Ord. #60-93 (Amend Chapter 138: Emergency Street Closing) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 287-93

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

ORDINANCE # 60-93

AN ORDINANCE AMENDING SECTION 138-66 (REGULATION OF STREET CLOSING BY CHIEF OF POLICE FOR PUBLIC HEALTH, SAFETY OR WELFARE PURPOSES) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 60-93

AN ORDINANCE AMENDING SECTION 138-66 (REGULATION OF STREET CLOSING BY CHIEF OF POLICE FOR PUBLIC HEALTH, SAFETY OR WELFARE PURPOSES) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-66 (Regulation of Street Closing by Chief of Police for Public Health, Safety or Welfare Purposes) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey," which was established by Ordinance No.15-93 on April 22, 1993, is hereby amended as follows:

**Section 138-66 Regulation of Street Closing by Chief of Police for Public Health, Safety, or Welfare Purposes.**

A. The Chief of Police or his designee of the Township of Marlboro is hereby authorized to provide by regulation for the closing of any street or portion thereof to ~~motor-vehicle~~ traffic during specified hours on any day or days whenever he finds that such closing is necessary for the preservation of the public of health, safety or welfare.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #288-93/Ord. #61-93 (Speed Limits Boundary Road) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 288-93

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

ORDINANCE # 61-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
138-55 (SCHEDULE XVIII: SPEED LIMITS  
OF CHAPTER 138 (VEHICLES AND TRAFFIC)  
OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 61-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-55  
(SCHEDULE XVIII: SPEED LIMITS)  
OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-55 (Schedule XVIII: Speed Limits) of Chapter 138 (Vehicles and Traffic) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish speed limits on Boundary Road as follows:

NAME OF STREET	SPEED LIMIT (mph)	LOCATION
Boundary Road	45	From Dutch Lane Road - Crine Road
Boundary Road	40	From Vanderburg Road - Crine Road to Silvercolt Drive

Boundary Road

35

From  
Silvercolt Drive  
to Newman Springs  
Road (County Route  
520)

2. Regulatory and warning signs conforming to the current manual on Uniform Traffic Control Devices for streets and highways, shall be erected and maintained to effect the above designated speed limits.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law and approval by the Commissioner, Department of Transportation.

The following Resolution #289-93/Ordinance #62-93 (Police Outside Contract) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 289-93

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

ORDINANCE # 62-93

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIV  
(DEPARTMENT OF PUBLIC SAFETY) OF CHAPTER 4  
(ADMINISTRATION OF GOVERNMENT) OF THE "CODE OF  
THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 62- 93

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIV  
(DEPARTMENT OF PUBLIC SAFETY OF CHAPTER 4  
(ADMINISTRATION OF GOVERNMENT) OF THE " CODE OF  
THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Article XIV (Department of Public Safety) of Chapter 4 (Administration of Government) of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented to the effect that section 4-98 thereof, entitled "Division of Police," is amended to establish a subsection C, entitled "Special Duty Assignments for Police Officers" as follows:

**C. Special Duty Assignments for Police Officers.**

- (1) **Purpose.** This subsection is adopted for the purpose of continuing the Township of Marlboro's policy of permitting members of the Township Police Department during their off duty hours, to engage in special duty police related activities for private persons or entities under specified circumstances. This ordinance has been prepared in accordance with the guidelines set forth by the Division of Local Government Services, the Attorney General's Office of the State of New Jersey and the Prosecutor's Office of the County of Monmouth.
- (2) **Authorization; Discretion of Police Chief.** The Chief of Police of the Township of Marlboro or his designee is hereby authorized to permit members of the Township Police Departments during their off-duty hours, to engage in special duty police-related activities for private persons or entities under the provisions of this Chapter. Any and all special duty assignments must be determined and approved by the Chief of Police or his designee. The Chief or his designee shall obtain such information as he deems necessary in order to make his determination. The Chief or his designee may assign a patrol vehicle for use in performing special duty assignments if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty. The Chief or his designee may deny the assignment or use of police officers or vehicles and/or impose any condition or requirement as in his sole discretion and determination he finds to be in the best interests of the Township and/or the police officers or public safety. The Chief or his designee shall be guided by the nature of the assignment and should avoid those with conflicts of interest and/or high risk or injury.
- (3) **Nature of Work; Procedure for Assignment.** The work to be performed shall be considered a "special assignment from independent contractors" and will not be considered a direct assignment. Officers engaged in such assignments shall be deemed "on-duty" and shall conform to all police department rules, regulations and procedures. The taking of any and all special duty assignments shall be on a voluntary basis in accordance with a fair and reasonable

system established and administered by the Chief of Police or his designee. No police officer shall perform special Duty assignments for private persons or entities for compensation for more than a total of twenty (20) off duty hours per week or in any manner other than through the procedures set forth in this Chapter.

- (4) **Contractual Agreement Required.** In order to perform special duty assignments, a contract in writing must be executed by the private person or entity requesting the services and the Township of Marlboro. The agreement shall include, but shall not be limited to, the nature of the Duties to be performed, the location thereof, the dates and hours of service, and the terms of payment for such services to the Township of Marlboro. Form copies of said contracts are available from the police department. Upon execution, all contracts shall be kept on record as other such public documents. All arrangements for members of the Police Department to perform such services during off-duty hours are to be scheduled through the Police Department.

**Location of Assignments.** All special duty assignments shall be within the Township of Marlboro, unless specific written approval is given by the Chief or his designee to the officer to work outside of the municipality. The Chief of Police or his designee may contact adjoining municipal police departments to see if they are willing to perform such special assignments if the work is located outside of the Township.

- (6) **Payment.** After the services have been rendered, the Chief of Police or his designee shall forward an invoice to the private persons or entities who requested the special duty assignment in accordance with the contractual services performed. Payment for special duty assignments shall be made through a special trust fund established by the municipal treasurer. All monies received by the municipality for police services as aforesaid shall be placed in this trust account from which payment shall thereafter be made to the individual police officers who performed such service. Payments due from the outside contractors under such agreements shall be paid fifteen (15) days from the date of billing. Interest shall be charged at the rate of twelve percent (12%) per annum on any amount billed for which payment has not been made within fifteen (15) days. Delinquent parties shall be liable for all costs, fees and attorneys' fees associated with the collection of any amounts due. All payments from the trust fund shall be made to the police officers on regular pay dates and on the submission of a voucher approved by the Chief of Police or his designee subject to required deductions and

an administrative fee to be retained by the municipality. The charges for all special duty services shall be set forth annually in a Resolution adopted by the governing body. Any dispute between the contractor and the police officer on assignment as to services required or compensation due shall be determined by the Chief or his designee. This decision shall be final and binding.

- (7) **Cancellation.** Any assignment which is canceled on less than one (1) hour notice shall be charged against the party.
- (8) **Termination.** The Chief of Police or his designee has the authority to order any police officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the police officer and/or public in the sole determination and discretion of the Chief or his designee. The contractor shall not be responsible for any compensation for the time that the police officer is away from the special duty assignments and shall have no claim for any costs or damages against the municipality, the Chief or his designee, or the police officer arising from the termination of special duty assignment other than time prorated return of any costs prepaid to the Township.
- (9) **Insurance Coverage.** The Township shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers' compensation, public liability and claims for damage, personal injury including death or damage to property which may arise as a result of the Township's performance under the contract.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #290-93 (Bond Release Melcorp./Champion Sports Site Plan) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 290-93

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - MELCORP/CHAMPION SPORTS

WHEREAS, Melcorp/Champion Sports has requested the release of Township held Performance Bonds; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Municipal Engineer, David Birnbaum, P.E., dated September 30, 1993; and

WHEREAS, that report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Performance Bond posted by Melcorp/Champion Sports, in the original and present amount of \$143,075.00, shall be reduced to zero and released.

2. That the Cash Bond posted by Melcorp/Champion Sports, in the original and present amount of \$15,897.00, shall be reduced to zero and released.

3. That this release is conditioned upon the following:

- (a) The posting of a two (2) year, fifteen (15%,) percent, Maintenance Guarantee in a form acceptable to the Township in the amount of \$19,872.00 at the time of final release; and
- (b) The posting of a Bond in the amount of \$10,000.00 which shall run until June 30, 1994, in accordance with the terms of approval granted for site plan, variances and waivers by the Marlboro Township Planning Board in a Resolution dated December 4, 1991 (a copy of which is attached hereto and made a part hereof), to insure that, if necessary, an aeration facility is installed in the retention pond; and
- (c) The receipt of a final Certificate of Compliance Report from Freehold Soil Conservation District.

4. That a certified copy of this Resolution shall be provided to each of the following:

- (a) Melcorp/Champion Sports
- (b) Frontier Insurance Company
- (c) Township Engineer
- (d) Township Attorney

\*Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution #291-92 (Dedication by Rider) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #291-93

WHEREAS, the State of New Jersey has promulgated regulations for Police Departments to receive Dedicated Forfeited Funds from the County pursuant to N.J.S. 20:64-6, N.J.S. 20:64-7 as revised December 1, 1986, and the Attorney General's Directive on the Disposition of Forfeited Property dated May 28, 1987; and

WHEREAS, the Township of Marlboro is entitled to receive Dedicated Police Forfeited Funds from Monmouth County;

NOW, THEREFORE, BE IT RESOLVED that such fees received by the Township of Marlboro be placed in a Specific Trust Fund and such Trust Fund shall be considered a "Dedication by Rider" - to the budget per N.J.S. 40A:4-39 for the sole purposes stated above.

The following Resolution #292-93 (Opposing Assembly Bill A-2254) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #292-93

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO  
FORMALLY OPPOSING THE PASSAGE OF ASSEMBLY BILL NO. 2254

WHEREAS, Assembly Bill No. 2254 would limit the charges that municipal professionals and consultants could make against deposits in escrow accounts of applicants and developers made under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, this bill would require a time consuming process of periodic account statements made by the municipalities to the developers of all activity charges made against deposits in escrow accounts; and

WHEREAS, this bill substantially restricts a municipality's ability to require payments for various professional services necessary in the review of development applications;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township formally opposes the passage of Assembly Bill No. 2254;

BE IT FURTHER RESOLVED that the Clerk be and is hereby directed to forward copies of this Resolution to State Senator John Bennett, Assemblywoman Clare Farragher and Assemblyman Michael Arnone.

The following Resolution #293-93 (Elevator Inspection by State) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 293-93

WHEREAS, the State of New Jersey requires municipalities to provide for the inspection and plan review of elevators; and

WHEREAS, options available to municipalities are the hiring of a Municipal Subcode Official, a third party agreement, or inspection by the State; and

WHEREAS, the Township of Marlboro has approximately 20 elevators in the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that they do elect to have elevator inspections and plan review performed by the State of New Jersey.

The following Resolutions were introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Gurtman): Res. #294-93 (Redemption Tax Sale Certs. - Various), Res. #295-93 (Refund to WMUA), Res. #296-93 (Tax Court Judgment Refunds - Various), Res. #297-93 (Tax Refund B. 381, L. 3) and Res. #298-93 (Veteran Deductions - Various).

RESOLUTION # 294-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$12,248.77 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$12,248.77 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

<u>LIEN NO.</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
90-15) 91-20)	288/29/C0304	Sheila Brodsky & Morton Salkind	\$11,300.61
92-12	134/3	Rudy & Connie Wobito	66.05
92-59	288/29/C0021	Corfacts, Inc.	755.53

92-141	184/13	Gregory Hauke	126.58
TOTAL -----			\$12,248.77

RESOLUTION # 295-93

WHEREAS, the assessed owner of Block 184 Lot 13 has redeemed TSC 92-141, and

WHEREAS, this redemption included both delinquent taxes and delinquent and current sewer charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the current sewer charges in the amount of \$849.28 to the Western Monmouth Utilities Authority.

RESOLUTION #296-93

WHEREAS, the Tax Court of New Jersey has granted judgments for the years 1992 and 1993 as per the attached Schedule "A",

WHEREAS the 1992 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,136.26 as per the attached Schedule "A",

WHEREAS the 1993 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$1,184.86 to these unpaid balances of 1993 as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$1,136.26 and to apply \$1,184.86 to the respective taxpayers.

SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	1992 REFUND	1993 APPLY
180 36	Harry & Judy Rosenblum	\$1,136.26	\$1,184.86

AMOUNT TO BE REFUNDED: \$1,136.26

AMOUNT TO BE APPLIED: \$1,184.86

RESOLUTION #297-93

WHEREAS, a duplicate payment of 1993 third quarter taxes has been received in the amount \$877.80 for Block 381 Lot 3 assessed to Martin & Florence Goodman,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$877.80 to the above-mentioned taxpayer.

RESOLUTION # 298-93

WHEREAS, Veteran deductions totaling \$150.00 have been granted as per the attached Schedule "A" for the year 1993,

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

SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT
267	43	Willis R. Hayes, Jr.	\$ 50.00
268	22.01	Clyde L. & Shirley E. Boyce	50.00
377	14	Melvin & Marilyn S. Weiss	<u>50.00</u>
TOTAL -----			\$150.00

Resolution #299-83 (Award of Bid: Snow Removal) was pulled from the agenda, as a transfer of funds will be necessary prior to awarding this bid. Action will be taken on November 10th.

The following Resolution #300-93 (Award of Bid: Concrete Floor - Pole Barn) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 300-93

BE IT RESOLVED THAT:

1. E & M CAPITAL CORP.  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Concrete Floor in Pole Barn

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

E & M Capital Corp.  
148 St. Nicholas Avenue, Lakewood, N. J. 08702

on their low bid of: \$16,000.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #301-93 (Affirmative Action Officer - John Stover) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #301-93

WHEREAS, the Township of Marlboro is required to name an Affirmative Action Officer; and

WHEREAS, the Business Administrator has recommended that the Township Council appoint John Stover to fulfill the responsibilities of this position.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that John Stover be and he is hereby appointed as the Marlboro Township Affirmative Action Officer.

Administrative Report - Mayor Scannapieco announced that the \$9,000 grant from the N. J. Dept. of Community Affairs for recreation for persons with disabilities has been received. The Mayor informed Council that construction of the fence around the site for the Recreation Center will commence tomorrow and should be completed before the weekend is out.

Public Session - There was no one who wished to speak.

At 11:40 PM, Council President Lichter moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

MINUTES APPROVED: *December 14, 1993*

OFFERED BY: *Gurtman*

AYES: *5*

SECONDED BY: *Carpiano*

NAYS: *0*

*Evelyn H. Piccolini*

EVELYN PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

November 10, 1993

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on November 10, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, Council Vice President Gurtman and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson and Deputy Clerk Alida DeGaeta.

Resolution #303-93 (U. S. Home - Authorizing Releases and Exchanges Required by Settlement, Indemnification and Release Agreement) was tabled to the November 23 meeting, as per the Special Counsel's request.

The following Resolution #304-93 (Transfers) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #304-93

WHEREAS, certain appropriations in the 1993 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A:4-58 allows transfers to be made between line item appropriations from November 1, through December 31, annually,

NOW, THEREFORE BE IT RESOLVED that the following transfers be made:

From:

Administration O/E	3,190.00
Planning Board O/E	20,000.00
Health Benefits	50,000.00
Insurance	900.00
Sanitation O/E	<u>50,000.00</u>

Total	124,090.00
-------	------------

To:

Tax Collector S & W	12,000.00
Legal S & W	2,040.00
Buildings & Grounds S & W	1,000.00
Construction Code S & W	5,150.00
Planning Board S & W	4,500.00
Highway Safety S & W	9,600.00
Streets & Roads S & W	30,000.00
Streets & Roads O/E	25,000.00
Equipment Maintenance O/E	5,000.00
Recreation O/E	5,000.00
Telephone	8,000.00
Water	1,000.00
Electric	15,000.00

Out of Cap

Drug Alliance	<u>800.00</u>
---------------	---------------

Total	124,090.00
-------	------------

The following Resolution #299-93 (Award of Bid: Snow Removal) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 299-93

BE IT RESOLVED THAT:

1. TRIPLE C FARMS  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Snow Removal 1993 - 1994

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

Triple C Farms  
24 Route 520 East, Marlboro, N. J. 07746

on their low bid of: \$2,680.00 per hour, \$11,988 set up fees.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

Resolution #305-93 (Dedication by Rider) was tabled to Nov. 23, as Council asked for additional information from the Chief Financial Officer.

The following Resolution #306-93 (Change Title & Text) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #306-93

WHEREAS, N. J.S. 40A: 4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A: 4-8S, the Township of Marlboro hereby requests the Director of the Division of Local Finance to make the following corrections in the budget of the year 1993:

FROM: SALARY ADJUSTMENT	\$217,513.00
TO:	
Administrative & Executive	
Salaries & Wages	
Administration	3,350.00
Council	5,526.00
Financial and Administration	
Salaries & Wages	225.00
Assessment of Taxes	
Salaries & Wages	2,350.00
Collection of Taxes	
Salaries & Wages	2,526.00

Engineering		
Salaries & Wages		5,498.00
Building Maintenance		
Salaries & Wages		2,801.00
State Construction Code		
Salaries & Wages		8,796.00
Planning Board		
Salaries & Wages		1,330.00
Board of Adjustment		
Salaries & Wages		1,000.00
Public Safety		
Salaries & Wages		
Police		114,841.00
Fire Prevention		1,035.00
Highway Safety		6,679.00
Public Works		
Salaries & Wages		
Road Maintenance		25,590.00
Equipment Maintenance		9,731.00
Grounds Maintenance		17,169.00
Recreation & Education		
Salaries & Wages		4,766.00
Municipal Court		
Salaries & Wages		4,300.00
	Total	\$217,513.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth:

Budget Line entitled Salary Adjustments to provide for contracts signed subsequent to budget adoption.

The following Resolution #307-93 (Authorization to Bid: Pool Maintenance, Snack Bar) was introduced by reference, offered by Council Vice President Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 307-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Marlboro Swim Club - Pool Maintenance

Marlboro Swim Club - Snack Bar

The following Resolution #308-93 (Authorization to Bid: Road Construction - Texas Road - Greenwood Road to Aberdeen Border) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 308-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

Road Construction

(Texas Road - Greenwood Road to Aberdeen Border)

The following Resolution #309-93 (Award of Bid: Road Materials - Various Vendors) was introduced by reference, offered by Councilman Friedman, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 309-93

BE IT RESOLVED THAT:

1. VARIOUS VENDORS (SEE ATTACHED)  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Road Materials

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements,

bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

VARIOUS VENDORS (SEE ATTACHED)

on their low bid of: SEE ATTACHED

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

The following Resolution #310-93/Ordinance #63-93 (1993 Salary Ordinance) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 310-93

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

ORDINANCE # 63-93

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF  
MARLBORO 1993

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Nov. 23, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #63-93

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP  
OF MARLBORO 1993

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

Section 1. The salaries of the hereinafter designated Township officers and employees in accordance with Schedule "A" are attached hereto.

\*Copies of attached material to be found in regular minute book in Clerk's office

Section 2. All officers and employees having a fixed salary of less than \$5,000.00 per annum shall be paid monthly. All other officials and employees shall be paid semi-monthly.

Section 3. All salaries and wages earned herein shall be retroactive from January, 1993.

Section 4. All salaries shall be in lieu of fees, which shall be paid to the order of Marlboro Township and no officer or employee shall be entitled to the receipt of any fees over and above the salary herein designated.

Section 5. All provisions of any contract between the Township of Marlboro and bargaining unit shall be incorporated herein as though set forth in full. Those provisions include but are not limited to longevity, schooling and overtime.

Section 6. All full time employees who have been continuously employed by the Township for more than five years in classified or exempt positions shall receive a longevity increment of 2.5 percent of annual salary. Thereafter, for each additional period of five (5) years of continuous service in the municipality an employee shall receive a longevity increment of an additional 2.5 percent of annual salary. In no event, may the total longevity increment exceed 12.5 percent for more than twenty-four (24) years of service. The longevity provision contained in this section shall not apply to any employee who entered the service of the municipality on or after January 1, 1976.

Section 7. The following longevity provision shall apply to all white collar workers, communication workers as well as all other municipal employees not covered by Section 6 of the ordinance:

<u>Years of Service</u>	<u>In Addition to Annual Pay</u>
After five (5) years of service through ten (10) years of service	\$500.00
After ten (10) years of service through fifteen (15) years of service	\$500.00
After fifteen (15) years of service through twenty (20) years of service	\$500.00
After twenty (20) years of service	\$500.00

Section 8. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 9. This Ordinance shall take effect upon passage and publication as required by law.

TOWNSHIP OF MARLBORO  
1993 SALARY ORDINANCE

Mayor	\$ 4,800.00
Councilperson	3,600.00
Business Administrator	70,350.00
Municipal Clerk	49,350.00
Deputy Municipal Clerk	43,000.00
Finance Director	4,000.00
Chief Financial Officer	49,350.00
Tax Collector	49,350.00
Tax Assessor	49,350.00
Township Attorney	80,000.00
Special Counsel	20,000.00
Counsel - Affordable Housing	10,000.00
Municipal Presiding Judge	19,000.00
Municipal Judge	17,000.00
Township Engineer	73,256.00
Construction Official/Electrical Subcode	63,000.00
Superintendent - Public Works	55,665.00
Court Administrator	42,969.00

The following Resolution #284-93/Ordinance #57-93 (Establishing Board of Ethics) was introduced by reference, offered by Councilman Carpiano and seconded by Council President Lichter. Discussion followed, during which Councilman Friedman and Councilman Broderick expressed their opinions that this service is provided by the State at no cost to the taxpayers, and also felt that objectivity can be better maintained by the State. Councilman Friedman also read into the record a letter from Councilman Broderick to Council President Lichter which asked that Council not make any last minutes appointments. Councilman Friedman asked that this ordinance be tabled indefinitely, and put this forth as a motion. He also stated that if Council would agree to table this ordinance, no Ethics Board will be established in January 1994, and that the township will rely on the State services in this regard. Councilman Broderick seconded the motion to table and such motion was defeated on a roll call vote of 2 in favor of tabling, and 3 against (Carpiano, Gurtman & Lichter). After further discussion, the question was called and Res. #284-93/Ordinance #57-93 passed on a roll call vote of 3 - 0 in favor. Absent: Broderick & Friedman.

ORDINANCE #57-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY, REPEALING CERTAIN SECTIONS  
OF ARTICLE X (DEPARTMENT OF LAW) OF CHAPTER 4  
(ADMINISTRATION OF GOVERNMENT) AND AMENDING AND

SUPPLEMENTING CHAPTER 14 (ETHICS, CODE OF) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Article X (Department of Law) of Chapter 4 (Administration of Government) of the "Code of the Township of Marlboro, New Jersey" is hereby amended so as to repeat the following sections thereof in their entirety:

Section 4-72 (Board of Ethics)

Section 4-73 (Powers and Duties of Board of Ethics)

Section 4-74 (Procedures of Board of Ethics)

Section 4-75 (Board of Ethics: Procedure of Council)

Section 4-76 (Written Disclosure by Officials and Employees)

Section 4-77 (Violations by Officials or Employees)

2. Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended to the effect that the title of the said Chapter, "Ethics, Code of," shall be changed to "Standards of Ethical Conduct."

3. Section 14-1 (Title) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended as follows (deletions are stricken; additions are underlined):

Section 14-1. Title.

This Chapter shall be known and may be cited as the "~~Marlboro-Township-Code-of-Ethics~~" "Standards of Ethical Conduct of Marlboro Township."

4. Section 14-4 (Definitions) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (deletions are stricken; additions are underlined):

Section 14-4. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

AGENCY - Any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within the Township of Marlboro, and any independent local authority created by or appointed under the authority of the Township of Marlboro, which performs functions other than that of a purely advisory nature, except that this

definition shall not include a school board.

EMPLOYEE - Any person who is not a local government officer, whether compensated or not, whether part-time or full-time, whether employed by or serving on an agency of the Township, except that this definition shall not pertain to any employee of a school district.

INTEREST - The ownership or control of more than ten percent (10%) of the profits, assets or stock of a business organization, but shall not include the control of assets in a nonunion - profit entity or labor union.

OFFICER:

A. Any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:

(35) Any other person who is a managerial executive or confidential employee as defined by Section 3 of the New Jersey Employer Employee Relations Act, N.J.S.A. 34:13A-3, of the Township of Marlboro or of an agency created under the authority of or appointed by the Township of Marlboro, except for any employee of a school district or member of a school board.

5. Section 14-5 (Ethical Standards) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby repealed in its entirety. This Section shall be replaced as follows:

Section 14-5. Ethical Standards.

Officers and employees of the Township of Marlboro shall comply with the ethical standards set forth in the Municipal Code of Ethics promulgated by the Marlboro Township Ethical Standards Board pursuant to Section 14-9 of this Chapter.

6. Section 14-7 (Marlboro Township Ethical Standards Board) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (deletions are stricken; additions are underlined):

Section 14-7. Marlboro Township Ethical Standards Board.

A. There is hereby established the Marlboro Township Ethical Standards Board, consisting of six (6) members who are residents of the Township, at least two (2) of whom shall be public members. The members of the Board shall be appointed by the ~~Mayer-with-the advise-and-consent-of-the~~ Township Council in accordance with the provisions of subsection C below. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three (3) members of the Board shall be of the same political party.

B. The Mayor members of the Marlboro Township Ethical Standards Board shall annually appoint elect a Chairperson from within among the membership of the Marlboro Township Ethical Standards Board.

C. The members shall serve for terms of five (5) years, except that, of the members initially appointed, two (2) of the public members shall be appointed to serve for terms of five (5) years, one (1) member shall be appointed to serve for a term of four (4) years, and the remaining members shall be appointed to serve a term of three (3) years. Each member shall serve until his or her successor has been appointed and qualified. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the unexpired term. The date of the commencement of each appointee's term shall relate back to the January of the year in which the appointment was made. Of the six (6) initial appointments, each member of the Township Council shall be permitted to make one (1) recommendation to the governing body for appointment to the Board which must be approved by a majority of the Council. The remaining appointment shall be made by a unanimous vote of the full membership of the Township Council. The extent of the respective terms of these initial council appointments shall be determined by lot in accordance with the provisions specified at the beginning of this paragraph. Thereafter, each subsequent appointment shall be made by the Township Council to serve for a full term of five (5) years.

7. Section 14-9 (Adoption of Code of Ethics: Copies) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented as follows (deletions are stricken; additions are underlined):

A. ~~The provisions set forth in Section 14-5 shall serve as the Marlboro Township Code of Ethics.~~ Within ninety (90) days after the appointment of the Marlboro Township Ethical Standards Board, the Board shall promulgate by Resolution, a Township Code of Ethics for all officers and employees serving the Township. Officers and employees serving a Township independent authority shall be deemed serving the Township for the purposes of this section. Until such time as the Marlboro Township Ethical Standards Board shall have adopted a Code of Ethics which is effective in accordance with the provisions which follow, the Local Government Ethics Law, P.L. 1991, c. 29, N.J.S.A. 40A:9-22.1. et. seq., shall serve as the Municipal Code of Ethics.

B. ~~The Municipal Clerk shall make copies available to officers and employees serving the Township.~~ The Code of Ethics promulgated by the Board shall be either identical to the provisions set forth by the Local Government Ethics Law, P.L. 1991, c. 29, N.J.S.A. 40A:9-22.1. et. seq., or more restrictive, but shall not be less restrictive.

C. Within fifteen (15) days following the promulgation thereof, the Township Code of Ethics and a notice of the date of

the public hearing to be held thereon, shall be published in the newspaper designated for the publication of official notices for the Township and shall be distributed to the Township Clerk and to the Business Administrator for circulation among all of the officers and employees serving the Township.

D. The Marlboro Township Ethical Standards Board shall hold a public hearing on the Code of Ethics not less than thirty (30) days following its promulgation at which any officer or employee of the Township and any other person wishing to be heard shall be permitted to testify.

E. As a result of the hearing, the Board may amend or supplement the Code of Ethics as it deems necessary.

F. If the Code of Ethics is not identical to the provisions set forth in the Local Government Ethics Law, P.L. 1991. c. 29. N.J.S.A. 40A:9-22.1. et. seq., the Marlboro Township Ethical Standards Board shall thereafter submit the Code of Ethics to the New Jersey Local Finance Board for approval.

G. If the New Jersey Local Finance Board fails to act within sixty (60) days of the submission, the Code of Ethics shall be deemed approved.

H. If the Township Code of Ethics requires approval by the New Jersey Local Finance Board, it shall take effect sixty (60) days after approval by the Finance Board.

I. If the Township Code of Ethics is identical to the provisions set forth in the Local Government Ethics Law, P.L. 1991. c. 29. N.J.S.A. 40A:9-22.1. et. seq., it shall take effect ten (10) days after the public hearing held thereon.

J. The Marlboro Township Ethical Standards Board shall forward a copy of the Code of Ethics to the Township Clerk and shall make copies available to officers and employees serving the Township.

8. Section 14-12 (Complaints) of Chapter 14 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented so as to establish a new subsection I as follows:

I. A final decision of the Board may be appealed to the New Jersey Local Finance Board within thirty (30) days of the decision.

9. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

10. This ordinance shall take effect upon final passage and publication in accordance with the law.

Regarding Item 11 (Zone Change - Sona), Mrs. Helen Sona was present to discuss with Council the possibility of rezoning her property (Falson Lane, between Wooleytown and Texas Road) from 5 acre to 1/2 or 1/4 acre. She stated that across the street, over 200 homes are to be built. That piece of property had been a Land Conservation Zone prior to its being rezoning, and she asked that her parcel be given the same consideration. After discussion, it was Council's consensus to refer this matter to the Planning Board for their recommendation and review.

Regarding Item 12 (Township Donations), Township Attorney John Bennett stated that he had not heard back from Mr. Turner of Division of Local Government Services on this matter, and this was moved to the next workshop meeting, December 2, for discussion.

Regarding Item 13 (Parker Property), Business Administrator Bob Albertson informed Council that they are still waiting for the appraisal, and this matter was moved to the next workshop meeting for discussion.

Regarding Item 14 (Amend Chapter 84 - Performance Guarantees), Fred Raffetto, Esq. explained these provisions to Council, which require certain items, such as-built drawings, as a condition of bond release. This was moved to the Nov. 23 agenda for First Reading.

Regarding Item 15 (Res./Ord. Authorizing Township to Accept Property - Ramsgate & Nolan Road), this matter was explained by Mr. Raffetto, and after discussion, Council moved this to the Nov. 23 agenda for First Reading.

Regarding Item 16 (Vicious Dogs), Mr. Raffetto will prepare the ordinance to conform to State statute. This moved this ordinance for introduction when ready.

Council then discussed Item 17 (Stormwater Management - Amend Chapter 84). Mr. Raffetto informed Council that he had contacted Stuart Alexander and Ron Reisner to find out if the Planning Board were in favor of Council moving forward on this ordinance. They responded that the Planning Board was anxious to have this ordinance in place. Council President Lichter asked about grandfathering of applications that were already in the process of being approved. Mr. Raffetto stated he would confer with Mr. Reisner and have that answer before Council introduces the ordinance. Council President Lichter also asked how this would impact Mount Laurel developments that were in various stages of approval. Mr. Raffetto will also look into this concern. This was moved to the Nov. 23 agenda for First Reading.

Regarding Item 18 (Amend Chapter 84 - Aeration Facilities in Detention Basins), Councilman Friedman asked if there might be some mechanism, such as a restrictive covenant, to present a future Council from changing the ordinance to again allow wet retention basins. Mr. Raffetto stated he would research this matter, and will also confer with the Township Engineer. Council asked that this discussion be moved to the Dec. 2 workshop agenda.

Regarding Item 19 (Pavia/Romano - Vacation of Conservation Easement), Mr. Pavia and Mr. Romano were present for the discussion and explained that they wished to have their conservation easement vacated. They provided a report from DEPE stating that this area is no longer wetlands, and a representative from the DEPE, Mr. Mike Frieday, was in attendance and gave Council all pertinent information. Mr. Raffetto gave Council some background, stating that violations have occurred on the property on the conservation easements, which were admitted to by the attorney for the property owners. As a result of a meeting held between township officials and Mr. Pavia and Mr. Romano, a plan has been prepared by their engineer to ameliorate the violations. Mr. Raffetto stated that until this matter is resolved, it would be premature for the township to proceed. Township Engineer David Birnbaum enumerated the violations. Fred Cianci - 31 Hamilton Avenue - stated that he lives behind Mr. Pavia & Mr. Romano, and his property is wet because of the fill on their properties. After discussion, it was Council's consensus to refer this matter to the Planning Board and the Environmental Commission to get their recommendation, and to find out the reasons why this conservation easement was established on the original plans. Council asked that all parties be notified by the Planning Board when this matter is being heard by them. If the Planning Board should recommend that the conservation easement is not needed, then this matter will come back to Council for action.

Item 20 (Burr Avenue - Buffering - Pointe de Jardin), Mayor Scannapieco stated that he met with the residents and a representative of Pointe de Jardin, and a fence is being discussed and considered. Another meeting will be scheduled, and the Mayor will report back to Council on the results.

Item 21 (VOICE - Sludge to Methanol Plant), Councilman Broderick informed Council that representatives of the organization would like to appear before Council to make a presentation, and could not attend this meeting. This discussion was moved to the Dec. 2 workshop meeting.

Council then discussed Item 22 (Possible Referendum - Hiring of Police Officers). The preliminary estimate of the cost of a cap referendum was figured to be \$15,000, and such election would have to be held on the last Tuesday in February. Council would have to make a decision by the December regular meeting, in order to meet all deadlines. All Councilmembers recognized the need, but were concerned with the tax impact upon the residents if a number of Police Officers were hired all at once. As the Police Dept. is in the process of applying for a grant to hire additional police officers and as the number of additional Police Officers in the 1994 budget could not be ascertained until the budget process is complete, it was Council's consensus not to proceed with the referendum at this time. Council also wished to hear Chief Walker's recommendations in this regard. Council asked that the Mayor place a priority on Police hiring in the 1994 budget.

Regarding Item 23 (Apgar/MacDonald/DOT) was carried over to the December 2 workshop meeting, as all three parties will be present for the discussion.

Item 26 (Liquor License Transfer - Martucci to MSD Enterprise Inc.) was then discussed. Council asked all pertinent information and were satisfied that all was in order. This was moved to the Nov. 23 meeting for action.

Regarding Item 27 (Payment to Two Township Employees for Storm Damage to Their Vehicles), Council felt that this could set a precedent in future incidents, and did not wish to proceed.

Regarding Item 24 (Renegotiation of Project - Ryan Road), Mr. Raffetto informed Council that he had reviewed the 1985 Mount Laurel Order, which states that in the event that the wetlands and buffer area exceed 10% of the amount shown on the plans, the parties have the opportunity to renegotiate. When the DEPE issues the letter of interpretation, the exact extent of the wetlands will be known. At that point, Council then can proceed to renegotiate. Township Attorney John Bennett stated that in the event the wetlands do not go over 10%, this would not preclude renegotiating with the developer. Council will discuss this after the letter of interpretation has been received.

Regarding Item 25 (Amend Ordinance - Daily Spaces at Texas Road) Township Attorney John Bennett stated that there is nothing in the lease agreement that would preclude establishing daily-pay spaces at the Texas Road parking lot. Council asked that administration look into how they wish to proceed.

The following items were moved to the Nov. 23 agenda: Item 28 (Bond Reduction Marlboro Country Homes), Item 29 (Bond Reduction Braunstein), and Item 30 (Authorizing Contracts for Supervisors Unit & Blue Collar Unit).

Council then discussed Item 31 (Res. #199-93/Ord. #37-93 - Second Reading/Marlboro Hillside Advisory Board). The Mayor asked that Council adopt the ordinance, notifying Colts Neck that Council will take action on Second Reading of this ordinance on November 23.

Item 32 (Correction and/or Approval of Minutes: October 7, 1993) was moved to the November 23 agenda.

Good & Welfare - Council President Lichter asked about a problem that had occurred in the Deer Run development, and Mayor Scannapieco responded that this situation is being addressed.

At 10:20 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing anticipated litigation. This was seconded by Councilman Broderick and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 10th day of November, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically anticipated litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 10:40 PM, Councilman Carpiano moved that the executive session be opened. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:41 PM, Councilman Broderick moved that the meeting be adjourned. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *January 27, 1994*

OFFERED BY: *Brodenel*

AYES: *2*

SECONDED BY: *Freeman*

NAYS: *0*

*Evelyn B. Piccolini*

*Herbert Lichter*

---

EVELYN B. PICCOLINI  
MUNICIPAL CLERK

---

HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

November 23, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on November 23, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman and Council President Gurtman. Council Vice President Gurtman was absent.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson and Deputy Clerk Alida DeGaeta.

Citizen's Voice - Shirley Harris Kantor - 2 Weston Court - spoke about her problem she has been experiencing for the last nine years. She stated that dirt and debris accumulate in the street on the corner of Weston Court and Lakeview Drive, and she asked that Council consider correcting the problem by constructing a catch basin. She stated that she had met with Mayor Scannapieco last week to discuss this problem with him, and was now asking Council for their help. Council asked that Business Administrator Bob Albertson get all the background information, and will discuss this at the Dec. 2 workshop meeting.

Council Speaks Out - Councilman Friedman congratulated Ed Smith on attaining his certification as a Certified Public Works Manager, and Council all reiterated their congratulations.

Councilman Friedman moved that the minutes of October 7, 1993 be approved. This was seconded by Councilman Carpiano and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Council President Lichter opened the Public Hearing on Ord. #50-93 (Amend Chapter 118 - Recycling). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #311-93/Ord. #50-93 was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #311-93

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

ORDINANCE # 50-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 118 (RECYCLING) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY.

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

The following Resolution #312-92 (Reasons for Adoption of Ord. #56-93) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 312-93

RESOLUTION STATING THE REASONS FOR THE ADOPTION OF ORDINANCE NO. 50-93 IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A 40:55D-62(a)

WHEREAS, N.J.S.A. 40:55D-62(a) provides that the governing body of a municipality may adopt an amendment to its land use ordinance which in whole or in part is inconsistent with or not designed to effectuate the land use planned element and the housing planned element of the master plan by an affirmative vote of the majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution; and

WHEREAS, the Township Council has adopted on second reading Ordinance No. 50-93, entitled "An Ordinance Amending and Supplementing Chapter 118 (Recycling) of the 'Code of the Township of Marlboro, New Jersey;," and,

WHEREAS, as per the attached reports the Planning Board has determined that Ordinance No. 50-93 is inconsistent with the land use planned element and housing planned element of the master plan, but requests the Council to amend the master plan to incorporate same; and

WHEREAS, the Township Council is desirous of stating its reasons for the adoption of the said ordinance as required by N.J.S.A.40:55D-62(a).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That, pursuant to and in accordance with N.J.S.A. 40:55D-62(a), the Township Council does hereby state the following reasons for the adoption of Ordinance No. 50-93 to the extent that such ordinance is inconsistent with the land use planned element and housing planned element of the master plan;

a. The Township Council finds that it is in the best interests of the Township to incorporate the provisions of Ordinance No. 50-93 into Chapter 118 of the "Code of the Township of Marlboro, New Jersey" so that the Township's ordinance shall conform to and be consistent with the requirements of the Monmouth County Solid Waste Management plan.

b. In addition, the Township Council finds that it is in the best interest of the Township to incorporate the provisions of P.L. 1993, c. 81, approved by the State Legislature on March 17, 1993, into the Township Code so as to provide certain additional requirements upon all new "multifamily housing developments" as defined in Section 118-2 of the new ordinance. The amendments relating to "multifamily housing developments" are in accordance with the model ordinance amendments provided by the New Jersey Department of Environmental Protection and Energy, which urged all municipalities to adopt same.

c. Finally, the Township Council finds that Ordinance No. 50-93 provides guidelines and standards for the collection and disposal of source-separated recyclable materials which are in the best interest of the Township.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Planning Board
- b. Township Planner
- c. Monmouth County Planning Board
- d. Kenneth T. Hart, Director  
State of New Jersey  
Department of Environmental Protection and Energy  
Division of Solid Waste Management  
CN 414, Trenton, New Jersey 08625-0414
- e. Commissioner, Department of Community Affairs
- f. Sidney Leveson, Township Recycling Coordinator

g. Township Attorney

Council President Lichter stated that the following items are to be tabled, pending a corrected resolution from the Planning Board: Res. #313-93/Ord. #56-93 (Amend Zoning - OPT 1 Zone), Res. #314-93 (Reasons for Adoption of Ord. #56-93) and Res. #315-93/Ord. #58-93 (Prohibiting Discharge of Sump Pumps into Sewer System). Council President Lichter opened the Public Hearing on Ord. #56-93 (Amend Zoning - OPT 1 Zone). As there was no one who wished to speak, the Public Hearing was closed. Council President Lichter opened the Public Hearing on Ord. #58-93 (Prohibiting Discharge of Sump Pumps into Sewer System). As there was no one who wished to speak, the Public Hearing was closed. These items were tabled to the Dec. 2 workshop meeting, when final adoption will take place.

Council President Lichter opened the Public Hearing on Ord. #59-93 (Title 39 - Movies at Marlboro). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #316-93/Ord. #59-93 was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 316-93

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

ORDINANCE #59-93

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY" SO AS TO MAKE THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE MARLBORO CROSSINGS/LERNER-HEIDENBERG PARK AND RIDE COMMUTER PARKING LOT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

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

Council President Lichter opened the Public Hearing on Ord. #60-93 (Amend Chapter 138 - Emergency Street Closing). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #317-93/Ord. #60-93 was introduced by reference, offered by Councilman Friedman, seconded by Councilman

Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 317-93

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

ORDINANCE #60-93

AN ORDINANCE AMENDING SECTION 138-66 (REGULATION OF STREET CLOSING BY CHIEF OF POLICE FOR PUBLIC HEALTH, SAFETY OR WELFARE PURPOSES) OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #61-93 (Speed Limits Boundary Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #318-93/Ord. #61-93 (Speed Limits Boundary Road) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 318-93

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

ORDINANCE # 61-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-55 (SCHEDULE XVIII: SPEED LIMITS OF CHAPTER 138 (VEHICLES AND TRAFFIC) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #62-93 (Police Outside Contract). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #319-93/Ord. #62-93 (Police Outside Contract) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 319-93

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

ORDINANCE # 62-93

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XIV  
(DEPARTMENT OF PUBLIC SAFETY) OF CHAPTER 4  
(ADMINISTRATION OF GOVERNMENT) OF THE "CODE OF  
THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. 63-93 (1993 Salary Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #320-93/ Ordinance #63-93 was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 320-93

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

ORDINANCE # 63-93

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP  
OF MARLBORO 1993

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

The following Resolution #199-93/Ordinance #37-93 (Marlboro Hillside Advisory Board) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Friedman. The Public Hearing on this ordinance had been held on August 12, 1993. Prior to adoption, Councilman Broderick moved that the word "Homes" be substituted for "Apartments" each time that it appears in the ordinance. The Township Attorney determined that such amendment was not substantial, and could be made without readvertising. Motion was seconded by Councilman Carpiano, and the Clerk was asked to cast one ballot for Ord. #37-93, as amended.

RESOLUTION # 199-93

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

ORDINANCE # 37-93 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING  
ARTICLE XVI (DEPARTMENT OF COMMUNITY RELATIONS)  
OF CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) OF  
THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY"  
TO ESTABLISH SECTION 4.116.1 (MARLBORO HILLSIDE HOMES  
ADVISORY BOARD).

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

The following Resolution #321-93/Ord. #64-93 (Amend Chapter 84 - Performance Guarantees) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

ORDINANCE # 64-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-26  
(GUARANTIES, INSPECTIONS AND DEVELOPERS' AGREEMENTS)  
OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-26 (Guaranties, Inspections and Developers' Agreements) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add the following provisions to those currently found at Subsection O therein as follows (additions are underlined):

O. In addition to the requirements of Subsection M of this section, no improvement shall be accepted or any performance guaranty released by the governing body for a site plan or major subdivision, or any section thereof, unless and until all of the following conditions have been met:

(3) The developer has installed monuments and provided a sealed letter from its engineer or land surveyor to the Township Engineer certifying the presence in the ground of said monuments as shown on the Final Plans.

- (4) The developer has paid all outstanding Inspection Fees.
- (5) The developer has made all necessary payments to any department, utility or agency as required by the Township Code, State statute or the Resolutions of Approval of the Planning or Zoning Board.
- (6) The developer has provided a Final Release Letter (Certificate of Compliance) from the Freehold Soil Conservation District for the overall site work.
- (7) The developer has filed "as built" drawings with the Township Engineer's office to include the following details, either on a single drawing or on a number of sheets:
  - (a) All bondable improvements including but not limited to:
    - [1] The location(s) of all sanitary sewer lines, storm drainage lines, including yard underdrain systems installed by the developer, inverts and rims or grate elevations of all structures, i.e. catch basins, manholes, yard drains and headwalls. The horizontal runs of storm and sanitary lines should be identified as to the percentage of slope, size, distance between structures and type of material, i.e. R.C.P., P.V.C., etc. All areas of rip-rap and berms should be shown, but dimensions are not necessary. Water lines should be shown as to pipe size and material, with hydrant locations, but inverts are not required.
    - [2] All curbs, roadways, sidewalks and driveway aprons must be shown, identifying physical, horizontal and right-of-way dimensions.
    - [3] The current block and lot numbers and lot layout should be reflected on the plan as well as property lines, right-of-way lines and easements. The plans should also include all street names.
    - [4] Shade tree locations and limits of grading need not be shown.
    - [5] Centerline grades of all roadways must be shown. either with profiles or centerline spot elevations at least every fifty (50) feet. including existing streets that were improved by widening or overlay.

- [6] Typical right-of-way cross section locating sidewalk, curbs and pavement must be shown. Right-of-way dimension and horizontal distances are required; no vertical dimensions are required.
- [7] Street signs and traffic safety devices need not be shown.
- [8] Driveways need not be shown in subdivisions, but must be shown in site plans.
- [9] Ground slope elevations need not be shown, but directional arrows to show overland flow of surface water are required.
- [10] If a detention basin was part of the improvements, the top of the slope perimeter should be shown as well as maximum water depth. Also, low flow channels and the actual volume of the basin should be indicated.

(b) All homes should be shown in general outline, including the type of structure and number of stories, including the post office house number designation. Each location need not have setback and offset dimensions but should be drawn so as to be able to graphically ascertain this information within two (2) to three (3) foot accuracy. Porches, patios, pools, walks and chimneys need not be shown. The requirements specified above do not necessarily apply to bond reductions nor to the release of any guaranties posted with water and/or sewer authorities, who should be contacted as to their particular requirements for release of such guaranties.

(8) The developer has posted a separate bond, subject to Council approval, relating to shade trees in the event that inspections of same were performed during the winter season when there are no leaves on the trees and where this is the sole remaining item as to release.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #322-93/Ordinance #65-93 (Authorizing Township to Accept Property) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

ORDINANCE # 65- 93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF A PORTION OF BLOCK 139, LOT 1 (RAMSGATE DRIVE NOLAN ROAD) FOR PUBLIC PURPOSES.

WHEREAS, in connection with the approvals granted to Group Construction Company of Marlboro I, Inc., relating to a development known as Country Hills, a.k.a. Bolling Brook, the Planning Board mandated that certain property adjacent to Block 139, Lot 1 (Ramsgate Drive/Nolan Road) within the development be dedicated to the Township for road improvement purposes; and

WHEREAS, N.J.S.A. 40A:12-5 provides that the governing body of a municipality may, by ordinance, authorize the acquisition of real property for public purposes.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That the Township Council hereby authorizes the acceptance of a portion of Block 139, Lot 1, as more particularly described in the legal descriptions incorporated in the attached Deeds\* which convey any ownership interest vested in either the developer or the current owners of Block 139, Lot 1 to the Township of Marlboro.

2. That a certified copy of this Ordinance shall be posted in the municipal building.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #323-93/Ord. #67-93 (Amend Chapter 84 - Detention Basins) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 323-93

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

\*Copies of Deeds are on file in the office of the Municipal Clerk.

ORDINANCE # 67-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84  
(LAND USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Dec. 14, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 67-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION  
84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84  
(LAND USE DEVELOPMENT AND REGULATIONS) OF THE  
"CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-104 (Stormwater Management) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish the following provisions to be added to subsection J as follows (additions are underlined):

J. Detention facilities.

- (1) Development shall use the best available technology to accommodate stormwater management by natural drainage strategies as indicated in Subsection D of this section.
- (2) Detention and all other stormwater management facilities shall conform to the standards under the New Jersey Stormwater Management Act, 40:55 D-93 et. seq.
- (3) Where detention facilities are deemed necessary, they shall accommodate site runoff generated from two-year, ten-year and one hundred-year storms considered individually, unless the detention basin is classified as a dam, in which case the facility must also comply with the Dam Safety Standards, N.J.A.C. 7:20. These design storms shall be defined as either a twenty-four-hour storm using the rainfall distribution recommended

by the United States Soil Conservation Service (such as United States Soil Conservation Service, Urban Hydrology for Small Watersheds, Technical Release Number 55) or as the estimated maximum rainfall for the estimated time of concentration of runoff at the site when using a design method such as the rational method. Runoff greater than that occurring from the one-hundred-year, twenty-four-hour storm will be passed over an emergency spillway. Detention will be provided that after development the peak rate of flow from the site will not exceed that by similar storms prior to development. For purposes of computing runoff, lands in the site shall be assumed, prior to development, to be in good condition, if the lands are woods, or with conservation treatment, if the land is cultivated, regardless of conditions existing at the time of computation.

- (4) In calculating the site runoff to be accommodated by a detention facility, the method to be used is a tabular hydrograph method as presented in TR Number 55 (SCS method), as supplemented and amended.
- (5) Detention facilities shall be located as far horizontally from surface water and as far vertically from groundwater as is practicable.
- (6) Detention facilities shall not intercept the post-development groundwater table, where practicable.
- (7) Only one-half (1/2) of the area devoted to detention or retention facilities shall be considered nonimpervious surfaces in calculating the maximum percentages as set forth in other sections of this Chapter. The area devoted shall be the area encompassed by the depth of water to the emergency spillway plus one (1) foot.
- (8) The top of the excavation or the toe of the outside slope shall be set back twenty-five (25) feet from adjoining non-residential property lines and fifty (50) feet from an adjoining property line of a lot on which there is a residential use. The edge of the design high water for the detention basins shall be set back one hundred (100) feet from existing or proposed dwelling units.
- (9) The top of the excavation or the toe of the outside slope shall be set back fifty (50) feet from the edge of the pavement from adjoining

roads and shall be set back twenty-five (25) feet from the adjoining right-of-way line for any right-of-way dedicated for use as a public road.

- (10) Dry detention basins. The following design standards shall apply to all dry detention basins:
- (a) Side slopes shall have the ratio of one (1) vertical to three (3) horizontal.
  - (b) Basin bottom.
    - [1] Traverse slope (to low flow channel): minimum two percent (2%).
    - [2] Low flow channel if sodded: minimum slope two percent (2%).
    - [3] Low flow channel if concrete: slope not less than one percent (1%).

Riprap low flow channel will not be accepted.
  - (c) An area ten (10) feet wide with a maximum slope of two percent (2%) shall be constructed at the top of the bank surround the basin.
  - (d) Vegetation stabilization cover shall be provided throughout the basin and landscaping shall be provided on the perimeter of the basin as approved by the Board's landscape architect.
  - (e) The basin floor shall lie a minimum of two (2) feet above the seasonal high groundwater table.
- (11) Wet detention/retention basins shall not be permitted.
- (12) Underground detention/retention basins may be permitted only if no other above-ground stormwater management facility is feasible.
- (13) The provisions of Subsection J (8) through (12) above, which have been added to this Chapter by Ordinance No. 67-93, shall not apply to the following:
- (a) Those development projects approved and constructed pursuant to the Consent Order

for Final Judgment, dated December 24, 1985. in the consolidated case known as Kaplan, et als vs. Marlboro Township, bearing Docket No. L-039596-84, or any amended Order entered subsequent thereto, regarding the Mount Laurel obligations of the Township of Marlboro;

- (b) Those development projects for which filed applications have been deemed "complete" by the Planning Board on or before December 1, 1993.

2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #324-93/Ord. #68-93 (Authorizing Acquisition of Property - Road Construction (Texas Rd. - Greenwood Road. to Aberdeen Border) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Broderick. Discussion followed during which Mr. Friedman asked the Business Administrator to ascertain the approximate amount of the grant and to obtain an estimate from the Township Engineer on the acquisition costs. As there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 324-93

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

ORDINANCE # 68-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PORTION OF CERTAIN PROPERTIES BY CONVEYANCE OR CONDEMNATION IN ORDER TO PERFORM IMPROVEMENTS TO TEXAS ROAD

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Dec. 14, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 68-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PORTION OF CERTAIN PROPERTIES BY CONVEYANCE OR CONDEMNATION IN ORDER TO PERFORM IMPROVEMENTS TO TEXAS ROAD

WHEREAS, the New Jersey Department of Transportation has provided the Township of Marlboro with a State Aid Grant for the rehabilitation of Texas Road; and

WHEREAS, the proposed project is primarily a minor road widening and resurfacing program in order to provide improved safety and a better riding surface at Texas Road; and

WHEREAS, the project limits are from Greenwood Avenue to the Aberdeen Township line, a distance of approximately 2,700 linear feet; and

WHEREAS, in order to permit this project to proceed, the Township must acquire portions of two (2) property parcels which are owned by private individuals or entities within the Township, located at Block 111, Lot 4 and Block 111, Lot 8; and

WHEREAS, the Local Land and Buildings law, N.J.S.A.40A:12-1 et. seq. authorizes a municipality to acquire real property for public purposes.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro as follows:

1. That the Township attorney is hereby authorized to undertake acquisition proceedings to acquire by conveyance, pursuant to N.J.S.A. 40A:12-1 et. seq, or condemnation, pursuant to N.J.S.A.20:3-1 et. seq., portions of the above properties for the widening and resurfacing of Texas Road.
2. That the Township attorney is hereby further authorized to retain any and all experts necessary in connection with these acquisitions.
3. That the Mayor is authorized to execute and the Township Clerk to attest the necessary documents to effectuate the aforementioned matters.
4. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.
5. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Res. #325-93/Ord. #69-93 (Amend Section 84-38 - LC District) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no

objection, the Clerk was asked to cast one ballot. Absent:  
Gurtman.

RESOLUTION # 325-93

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

ORDINANCE # 69-93

AN ORDINANCE AMENDING SECTION 84-38 (LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on Dec. 14, 1993 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 69-93

AN ORDINANCE AMENDING SECTION 84-38 (LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 84-38 (LC Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended to the effect that Subsection A (3) thereof shall read as follows:

A. Permitted Uses.

(3) Public and private golf courses, but no other outdoor recreation facility.

2. Section 84-38 (LC Land Conservation District) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended to the effect that Subsection A (5) thereof shall be deleted in its entirety.

3. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

4. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #303-93 (U. S. Home - Authorizing Releases and Exchanges Required by Settlement, Indemnification and Release Agreement) was introduced by reference, offered by Councilman Broderick, seconded by Council President Lichter, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 303-93

WHEREAS, Resolution #155-93 approved a Settlement, Indemnification and Release Agreement which would settle the litigation between U.S. Home Corporation and the Township of Marlboro captioned U.S. Home Corp. vs. Township, et. al., Docket Number L-56397-88-P.W. and Township of Marlboro vs. U.S. Home Corp., et. al., bearing Docket Number L-55855-88; and

WHEREAS, the Township of Marlboro presently holds a maintenance bond in the amount of \$150,000 issued by American Motorists Insurance Company under Bond Number 35M 774 552500; and

WHEREAS, in connection with the litigation U.S. Home Corporation posted a supersedeas bond in the amount of \$60,000 for Sections 1 through 6; and

WHEREAS, the remaining performance bonds posted for U.S. Home for Section 7 of a development known as Greenbriar North have been reduced to a total of \$150,000, and the cash bond has been reduced to \$35,000, plus accrued interest; and

WHEREAS, the remaining performance bond for Section 8 of a development known as Greenbriar North has been reduced to \$100,000 and the cash bond has been reduced to \$25,000, plus accrued interest; and

WHEREAS, the Settlement, Indemnification and Release Agreement have been approved by the Superior Court of the State of New Jersey as well as the United States Bankruptcy Court; and

WHEREAS, the Agreement as well as the Court approvals require the release of all of the foregoing bonds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That all maintenance bonds, cash bonds, supersedeas bonds, performance bonds and any accumulated interest be released in accordance with the Court Orders and the Settlement, Indemnification and Release Agreement as follows:

a. The \$150,000 maintenance bond issued by American Motorists Insurance Company under Bond Number 35M 774 552500.

b. The supersedeas bond in the amount of \$60,000.

c. The performance bond for Section 7 in the amount of \$150,000 as well as the cash bond of \$35,000 plus accumulated interest.

d. The performance bond for Section 8 in the amount of \$100,000 and the cash bond in the amount of \$25,000 plus accumulated interest.

e. An additional Greenbriar bond in the amount of \$5,272.45 (inclusive of interest).

2. U.S. Home Corporation is to pay the Township \$75,000 in connection with the settlement agreement. However, the parties have agreed that the cash bonds, together with interest, for Sections 7 and 8 will be applied as a credit toward the \$75,000 obligation. Therefore, U.S. Home Corporation will receive credits for Section 7 in the amount of \$38,046.70, Section 8 in the amount of \$30,827.68 and for an additional bond in the amount of \$5,272.45. This will provide a total credit to U.S. Home Corporation in the amount of \$74,146.83 leaving a balance of \$853.17 payable by U.S. Home Corporation to the Township of Marlboro.

3. That the Releases are subject to and contingent upon the remaining parties to the Agreement fulfilling their respective obligations in accordance with the Agreement.

4. That the Mayor, Municipal Clerk and Special Counsel, Arthur Goldzweig, Esq. be and they are hereby authorized and directed to sign any documents necessary to implement the releases and exchanges required by the Settlement, Indemnification and Release Agreement.

5. That a certified copy of this Resolution shall be provided to Special Counsel, Arthur Goldzweig, Esq.

The following Resolution #305-93 (Dedication by Rider) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there is no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION #305-93

WHEREAS, The State of New Jersey has promulgated regulations for the Parking Offenses Adjudication Act Pursuant to Public Law 1989, Chapter 137.

WHEREAS, such regulations provide for: out of each parking penalty assessed and disbursed to the Municipality where a failure to appear Notice was issued under these provisions, \$2.00 shall be designated and distributed to the Municipal Court by the Municipality to provide for the operating cost to administer this act.

NOW, THEREFORE, BE IT RESOLVED that such Fees received by the Township of Marlboro be placed in a Specific Trust Fund and such Trust Fund shall be considered a "Dedication By Rider" to the Budget of the Township per N.J.S. 40A:4-39 for the sole purpose stated above.

The following Resolution #326-93 (Bond Reduction Marlboro Country Homes) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 326-93

RESOLUTION AUTHORIZING PERFORMANCE BOND  
REDUCTION - MARLBORO COUNTRY HOMES

WHEREAS, the Township of Marlboro has received a request for the reduction of Township held performance bonds for a development known as Marlboro Country Homes; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from The Schoor DePalma & Canger Group, Inc., the consulting engineers in charge of site inspections for this matter, dated October 21, 1993, which has been reviewed and recommended for Council action by the Township Engineers, by memorandum dated October 25, 1993; and

WHEREAS, the above report and memorandum are attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance bond for a development known as Marlboro Country Homes, in the current amount of \$241,023.00 shall be reduced by \$61,010.00, so that the amount to remain shall be \$180,013.00.

2. That the cash bond for a development known as Marlboro Country Homes, in the current amount of \$55,560.00 shall be reduced by \$35,559.00, so that the amount to remain shall be \$20,001.00.

\*Copies of attached material to be found in regular minute book in Clerk's office.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Buttonwood Acres II & Joseph and Harry Wilf
- b. The North River Insurance Company
- c. Stewart Alexander, P.E., Schoor & DePalma Inc.
- d. Township Attorney

The following Resolution #327-93 (Braunstein - Waiver of Maintenance Bond) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 327-93

RESOLUTION AMENDING RESOLUTION NO. 39-93,  
PASSED ON FEBRUARY 25, 1993, AUTHORIZING  
PERFORMANCE BOND RELEASE - BRAUNSTEIN

WHEREAS, on February 25, 1993, the Township Council passed Resolution No. 39-93, which authorized the release of a Township held performance bond in connection with a site plan for property located at Block 176, Lot 31, in the Township of Marlboro; and

WHEREAS, the Resolution conditioned the performance bond release upon several requirements including the posting of a two (2) year fifteen percent (15 %) maintenance bond in the amount of \$6,280.00 by the applicants with the Township at the time of final release; and

WHEREAS, subsequent to the passage of the said Resolution, the Mayor and Township Council of the Township of Marlboro have discussed this matter with the applicant, Edward Braunstein, and have determined that a maintenance bond is not necessary.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Resolution No. 39-93, passed on February 25, 1993, is hereby amended so as to delete the requirement of the posting of a maintenance bond as a condition to the release of a Township held performance bond relating to Block 176, Lot 31.

2. That all other conditions of release specified in Resolution No. 39-93 shall remain in full force and effect.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Edward and Bonnie Braunstein
- b. Township Engineer
- c. Township Attorney

The following Resolution #328-93 (Authorizing Contract CWA (Blue Collar) was introduced by reference offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 328-93

RESOLUTION AUTHORIZING THE EXECUTION OF A  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
TOWNSHIP OF MARLBORO AND COMMUNICATIONS WORKERS  
OF AMERICA LOCAL NO.1044 (BLUE COLLAR)

WHEREAS, the Township of Marlboro and the Communications Workers of America Local No. 1044 (Blue Collar) have reached an agreement with respect to a successor Collective Bargaining Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Township Clerk to attest to a Collective Bargaining Agreement between the Township of Marlboro and the Communications Workers of America Local No. 1044 (Blue Collar) in accordance with the Memorandum of Agreement attached hereto and made a part hereof.

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

- 1. Robert Albertson, Business Administrator
- 2. Sheila Fishkin, Chief Financial Officer
- 3. Communications Workers of America Local No. 1044
- 4. Leila Renouf, C.W.A. Local No. 1044
- 5. Township Attorney

The following Resolution #329-93 (Authorizing Contract CWA (Supervisory Unit) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Gurtman.

RESOLUTION # 329- 93

RESOLUTION AUTHORIZING THE EXECUTION OF A  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
TOWNSHIP OF MARLBORO AND COMMUNICATIONS WORKERS  
OF AMERICA LOCAL NO.1044 (SUPERVISORY UNIT)

WHEREAS, the Township of Marlboro and the Communications Workers of America Local No. 1044 (Supervisory Unit) have reached an agreement with respect to a successor Collective Bargaining Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby authorizes the Mayor to execute and the Township Clerk to attest a Collective Bargaining Agreement between the Township of Marlboro and the Communications Workers of America Local No.1044 (Supervisory Unit) in accordance with the Memorandum of Agreement attached hereto and made a part hereof.

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

1. Robert Albertson, Business Administrator
2. Sheila Fishkin, Chief Financial Officer
3. Communications Workers of America Local No. 1044
4. Leila Renouff, C.W.A. Local No. 1044
5. Township Attorney

The following Resolution #330-93 (Authorizing Issuance of Bond Anticipation Notes) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 330-93

RESOLUTION COMBINING NOTES AGGREGATING  
THE SUM OF \$4,000,000 AUTHORIZED BY BOND  
ORDINANCES NOS. 3290, 3590, 3790, 3890,  
1391, 1491, 1591, 1791, 1891, 2992, 3092,  
3192 and 3493 HERETOFORE ADOPTED TO  
FINANCE VARIOUS CAPITAL IMPROVEMENTS IN,  
BY AND FOR THE TOWNSHIP OF MARLBORO, NEW  
JERSEY, INTO ONE CONSOLIDATED ISSUE OF  
BOND ANTICIPATION NOTES AND AUTHORIZING  
THE ISSUANCE OF BOND ANTICIPATION NOTES  
ISSUED FOR SAID PURPOSES.

WHEREAS, the Township Council of the Township of Marlboro, New Jersey (the "Township") has heretofore adopted thirteen bond ordinances authorizing bonds to finance part of the costs of the construction of various capital improvements and acquisition of equipment in, by and for the Township and;

WHEREAS, it is desirable to issue bond anticipation notes and it is advisable and in the best interests of the Township, for the purpose of the orderly marketing of said notes and for other financial reasons, to combine the notes authorized under Ordinance Nos. 3290, 3590, 3790, 3890, 1391, 1491, 1591, 1791, 1891, 2992,

3092, 3192 and 3493 into one consolidated issue in the aggregate principal amount of not more than \$4,000,000 (the "Notes") pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law");

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the township of Marlboro , in the County of Monmouth, New Jersey as follows:

SECTION 1. The Notes shall be issued as one issue and shall be in such denomination or denominations, shall bear such number or numbers, such date or dates of issue and maturity, and such rate or rates of interest, as may be determined in the manner and in accordance with the applicable provisions of the Local Bond Law. The Notes shall be entitled "Bond Anticipation Notes, Series 1993-A."

SECTION 2. All of the Notes shall be signed by the manual or facsimile signatures of the Mayor of the Township and the Township Treasurer and the corporate seal of the Township shall be affixed thereto, attested by the manual signature of the Clerk or Deputy Clerk of the Township and shall be payable, both as to principal and interest, to the purchaser thereof, and shall be in substantially the form as attached hereto as Exhibit A and made a part hereof.

SECTION 3. The Township Treasurer be and he hereby is authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and his signature upon the Notes shall be conclusive as to such determinations.

SECTION 4. The Township Treasurer be and he hereby is authorized to take all actions necessary to sell the Notes from time to time at public or private sale in such amounts as he may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

SECTION 5. Any instrument issued pursuant to this resolution shall be a general obligation of the Township, and the Township's full faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

SECTION 6. The Township Treasurer be and he hereby is authorized and directed to report in writing to the Township Council at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the principal amount, description, interest rate

and maturity of the Notes sold, the price obtained and the name of the purchaser.

SECTION 7. This resolution shall take effect immediately.

The following Resolution #331-93 (Declaration of Official Intent Bond Ords. 29-92, 30-92 and 31-92) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

RESOLUTION # 331-93

RESOLUTION FOR THE DEDICATION OF  
OFFICIAL INTENT FOR  
BOND ORDINANCE NOS. 29-92; 30-92 AND 31-92

WHEREAS, the Township Council of the Township of Marlboro (the "Township") adopted Bond Ordinance No. 29-92 on September 24, 1992, which provides for the financing of the improvements of construction of an addition to the Township library; renovation of the Township first aid buildings; construction of an addition to the Morganville Senior Center; various improvements to the Township municipal building, including handicap access and expansion of offices; and construction of the miniature golf course;

WHEREAS, the Township Council adopted Bond Ordinance No. 30 92 on September 24, 1992, which provides for the financing of the improvements of resurfacing and restoration of various Township roads, including Clayton Lane, Spring Valley Road, the intersection of Spring Valley Road and Texas Road, Millay Road and Stockton Road, including excavation, milling, drainage structures, curbing and sidewalks;

WHEREAS, the Township Council adopted Bond Ordinance No. 31-92 on September 24, 1992, which provides for the financing of the improvements of acquisition of equipment for the Public Works Department; the acquisition of equipment for the Police Department; the acquisition of various vehicles; the acquisition of a new computer; the renovation to recreation pool including replacement of liners and acquisition of water treatment equipment; the acquisition of equipment for Township soccer fields and equipment for Township Tiny Tot lot; improvement of playground and construction of street hockey courts; construction of municipal complex walkway and installation of recreation event sign; and furniture for Township Hall and Roads Department Building;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

RESOLVED, that this Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2 for Bond

Ordinance No. 29-92. The Township reasonably expects to pay expenditures with respect to the improvements prior to the date that the Township incurs debt obligations under Bond Ordinance No. 29-92. The Township reasonably expects to reimburse expenditures paid after adoption of this Resolution and paid during the sixty day period prior to adoption of this Resolution with the proceeds of debt to be incurred by the Township. The maximum principal amount of debt expected to be issued for payments of the costs of the improvements is \$1,203,600;

FURTHER RESOLVED, that this Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2 with respect to Bond Ordinance No. 30-92. The Township reasonably expects to pay expenditures with respect to the improvements prior to the date that the Township incurs debt obligations under Bond Ordinance No. 30-29. The Township reasonably expects to reimburse expenditures paid after adoption of this Resolution and paid during the sixty day period prior to adoption of this Resolution with the proceeds of debt to be incurred by the Township. The maximum principal amount of debt expected to be issued for payments of the costs of the improvements is \$485,700; and

FURTHER RESOLVED, that this resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2 with respect to Bond Ordinance No. 31-92. The Township reasonably expects to pay expenditures with respect to the improvements prior to the date that the Township incurs debt obligations under Bond Ordinance No. 31-92. The Township reasonably expects to reimburse expenditures paid after adoption of this Resolution and paid during the sixty day period prior to adoption of this Resolution with the proceeds of debt to be incurred by the Township. The maximum principal amount of debt expected to be issued for payments for the costs of the improvements is \$518,700.

The following Resolution #332-93 (Raffle License Marlboro Little League) was introduced by reference, offered by Councilman Broderick, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 332-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RA: 10-93/4 be and it is hereby granted to Marlboro Little League, Tennent Road, Morganville, N. J. 07751.

BE IT FURTHER RESOLVED that said Raffle will be held on May 23, 1993, 2:00 - 3:00 PM, at the Little League Complex, Tennent Road, Morganville, N. J. 07751.

Council President Lichter stated that Res. #333-93 (Settling Rates - Police Outside Contract) had not yet been finalized. Councilman Friedman moved that this resolution be tabled to Dec. 2nd. Motion to table was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

Administrative Report - Business Administrator Bob Albertson wished everyone a Happy Thanksgiving.

Public Session - Richard Colarusso - 19 Holly Hill Road - asked for clarification of Ord. #61-93, which sets the speed limits for Boundary Road. Township Attorney John Bennett stated that there is an agreement between Colts Neck and Marlboro, and that the speed limit can only be set on the portion of the roadway controlled by Marlboro. Business Administrator Bob Albertson stated that both towns must have ordinances covering both sides of the road so that the speed limit is consistent.

At 9:05 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing anticipated litigation. This was seconded by Councilman Carpiano and the following resolution was passed on a roll call vote of 4 - 0 in favor. Absent: Gurtman.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 23rd day of November, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically anticipated litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 9:15 PM, Councilman Friedman moved that the meeting be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Gurtman.

At 9:16 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Carpiano, and as there

was no objection, the Clerk was asked to cast one ballot. Absent:  
Gurtman.

MINUTES APPROVED: *January 27, 1994*

OFFERED BY: *Broderick*

AYES: 2

SECONDED BY: *Friedman*

NAYS: 0

*Evelyn D. Piccolini*

---

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Herbert Lichter*

---

HERBERT LICHTER  
COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

December 2, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on December 2, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano, Councilman Friedman, Council Vice President Gurtman, and Council President Lichter.

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida De Gaeta.

The following Resolution #313-93/Ordinance #56-93 (Amend Zoning: OPT 1 Zone) was introduced by reference, offered by Councilman Carpiano and seconded by Council Vice President Gurtman. The Public Hearing on this ordinance had been held on Nov. 23. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 313-93

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

ORDINANCE # 56-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED, "LAND USE DEVELOPMENT AND REGULATIONS" SO AS TO PROVIDE FOR CERTAIN ZONING AMENDMENTS

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

The following Resolution #314-93 (Reasons for Adoption of Ord. #56-93) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 314-93

RESOLUTION STATING THE REASONS FOR THE ADOPTION OF  
ORDINANCE NO. 56-93 IN ACCORDANCE WITH THE PROVISIONS  
OF N.J.S.A. 40:55D-62(a)

WHEREAS, N.J.S.A. 40:55D-62(a) provides that the governing body of a municipality may adopt an amendment to its land use ordinance which in whole or in part is inconsistent with or not designed to effectuate the land use planned element and the housing planned element of the master plan by an affirmative vote of the majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution; and

WHEREAS, the Township Council has adopted on second reading Ordinance No. 56-93 entitled "An Ordinance of the Township of Marlboro, County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 84 of the 'Code of the Township of Marlboro, New Jersey' entitled, 'Land Use Development and Regulations' so as to Provide Certain Zoning Amendments;" and

WHEREAS, as per the attached memorandum, the Planning Board has determined that Ordinance No. 56-93 is inconsistent with the land use planned element and housing planned element of the master plan; and

WHEREAS, the Township Council is desirous of stating its reasons for the adoption of the said ordinance as required by N.J.S.A. 40:55D-62(a).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That, pursuant to and in accordance with N.J.S.A. 40:55D-62(a), the Township Council does hereby state the following reasons for the adoption of Ordinance No. 56-93 to the extent that such ordinance is inconsistent with the land use planned element and housing planned element of the master plan:

- a. The Township Council finds that it is in the best interests of the Township to rezone certain properties within the Township which are presently located within the R-20 Zone to the OPT-1 Zone in that such rezoning is beneficial to the affected property owners as well as the Township and public at large for the reasons specified in the memorandum of the Township Planner, Joseph J. Layton, P.P., A.I.C.P., dated November 22, 1993, which memorandum is attached hereto

and made a part hereof. Specifically, the Township Council finds that the affected area is a transitional one, with a combination of factors which make the area unsuitable for residential development. These factors include, but are not limited to, the close proximity to a shopping center and a toxic waste disposal site as well as the high traffic volume on nearby Route 520. The rezoning shall be consistent with the 1990 Master Plan in that, although the Master Plan did not designate these properties as OPT-1, the Master Plan did recognize this area as a transitional locale. As indicated above, such recognition is beneficial to the Township.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Planning Board
- b. Township Planner
- c. Monmouth County Planning Board
- d. Township Attorney

The following Resolution #315-93/Ordinance #58-93 (Prohibiting Discharge of Sump Pumps into Sewer System) was introduced by reference, offered by Councilman Carpiano and seconded by Councilman Gurtman. The Public Hearing on this Ordinance had been held on Nov. 23. Councilman Friedman asked that Administration give consideration to either placing an add in a local newspaper or do a mailing. Councilman Broderick suggested that the WMUA take responsibility for informing residents, as they asked that the ordinance be adopted. Business Administrator Bob Albertson was asked to send a letter to the WMUA asking them to do so. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 315-93

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

ORDINANCE # 58-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY

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

The following Resolution #334-93 (Liquor License Transfer - Martucci to MSD Enterprises) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 334-93

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF MARLBORO APPROVING PERSON-TO-  
PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION  
LICENSE NO. 1328-44-009-002

WHEREAS, on August 10, 1993 an application was filed with the Township of Marlboro to permit the person-to-person transfer of Plenary Retail Distribution License No. 1328-44-009-002 from 455 C.F.M. INC. to M.S.D. Enterprises, Inc.; and

WHEREAS, the appropriate background investigation has been completed to the satisfaction of the Township of Marlboro Division of Police; and

WHEREAS, the Township of Marlboro has received from the prospective transferee an Affidavit of Publication verifying that the date of first notice was November 24, 1993 and that the date of second notice was December 1, 1993; and

WHEREAS, the prospective transferee has made payment of all applicable fees;

NOW, THEREFORE. BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey as follows:

1. It hereby approves the application for the person-to-person transfer of Plenary Retail Distribution License No. 132844-009-002 from 455 C.F.M. INC. to M.S.D. Enterprises, Inc.;

2. A certified copy of this resolution shall be provided by the Township Clerk to each of the following:

- a) Division of Alcoholic Beverage Control
- b) Mukesh C. Patel
- c) Shailesh B. Patel
- d) Shiv K. Kureti

The following Resolution #335-93 (Transfer) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #335-93

WHEREAS, certain appropriations in the 1993 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A:4-58 allows transfers to be made between line item appropriations from November 1, through December 31, annually,

NOW, THEREFORE BE IT RESOLVED that the following transfers be made:

From:

Township Council O/E	5,000.00
Engineering O/E	11,000.00
Zoning Board O/E	17,000.00
Industrial Development O/E	1,000.00
Health Benefits	18,000.00
General Insurance	17,000.00
Sanitation O/E	5,000.00
Grounds Maintenance S & W	<u>10,000.00</u>
Total	\$84,000.00

Administration & Executive S & W	500.00
Public Buildings & Grounds O/E	2,000.00
State Sub Code O/E	500.00
Planning Board O/E	10,000.00
Police S & W	50,000.00
Highway Safety S & W	500.00
Streets & Roads S & W	20,000.00
Equipment Maintenance S & W	<u>500.00</u>
Total	\$84,000.00

The following Resolution #336-93 (Award of Bid: Mason Contract) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 336-93

BE IT RESOLVED THAT:

1. V & K Construction  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Mason Contract

2. That contract covering said work, labor and/or materials in accordance with said plans, specifications, advertisements, bids and contract documents now on file with the Township Business Administrator be and the same is hereby awarded to:

V & K Construction  
31 Duclos Lane, Edison, N. J. 08817

on their low bid of: \$124,200.00.

3. That the proper Township Officials be and they are hereby authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

Council discussed Res. #337-93 (Authorizing Contract: Dispatchers) and Res. #338-93 (Authorizing Contract: FOP - Captains). Council had questions on the contracts, and Township Attorney suggested that Council might wish to defer action on these and have Mr. Orlando present at the Dec. 14 meeting so that several issues can be resolved. Council then tabled these resolutions to the Dec. 14 meeting.

Regarding Item 9 (Shirley Kantor/Catchbasin), Mrs. Kantor was present and discussed with Council her request for a catchbasin at the corner of Weston Court. Business Administrator Bob Albertson stated that the township could find no plans that ever showed a catchbasin at that location. The Township Engineer stated that a catchbasin is not needed. Mr. Albertson stated that the Road Dept. has been notified to note that location as a problem, and will see to it that any dirt is cleaned up. Council asked that the Business Administrator get more information, and he will contact Mrs. Kantor.

Regarding Item 10 (Apgar/MacDonald/DOT), Mr. Shallett and Mr. Pace of N.J.D.O.T Design Unit, as well as Township Engineer David Birnbaum, were present for the discussion, and reported their findings after inspection of the Apgar property. The erosion and flooding problems occurring on the Apgar and MacDonald properties were discussed, and Council was given a history of what has been occurring on these properties by Mr. Birnbaum. Council asked that Mr. Birnbaum forward a copy of the Health Dept. report to them. Township Attorney John Bennett suggested that a meeting be held between Mr. Birnbaum, DOT engineers, Mon. County Board of Health and the homeowners, so that Council can ascertain each of their positions on both properties.

Item 11 (VOICE - Sludge to Methanol Plant), Councilman Broderick informed Council that the organization is not ready to proceed at this time. They will come back to Council at a later date.

Regarding Item 12 (Parker Property), the appraisal had not been completed as yet, and this was moved to the first workshop meeting in January.

Regarding Item 13 (Research into Developments), Councilman Friedman informed Council that a committee has been established to meet with residents regarding the issue of serious concerns with the Mount Laurel development on Ryan Road and another development. A meeting was held between this group and the residents who came forward to register complaints. The meeting was for information purposes, to try to explain what is involved and how the Mount Laurel decision will affect them. Councilman Friedman stated that previously he had called for an Administrative and Council review of Werbler developments, and this committee consisting of residents only has been established in this regard. This group will try to meet with Mr. Werbler and the residents to discuss their concerns. Mr. Raffetto stated that the letter of interpretation from the N.J.D.E.P.E. as to the wetlands amount has not yet been received. When Council receives it, they will then discuss how they wish to proceed.

Regarding Item 14 (Amend Chapter 84 - Aeration Facilities in Detention Basins), Councilman Friedman had asked at a previous meeting if aeration facilities could be required in wet retention basins. Because of Ord. #67-93, wet retention basins will no longer be allowed. Mr. Raffetto stated that he was informed by Stuart Alexander of Schoor Engineering that a bond is required that would cover aeration facilities if a problem should occur. This item was, therefore, removed from the agenda.

Regarding Item 15 (Change in Mileage Reimbursement from 20 cents to 25 cents), Council moved this Resolution to the Dec. 14 agenda.

The following items were moved to the Dec. 14 agenda: Item 16 (Ryan Meadows North, Ryan Road Improvement Bond Reduction), Item 17 (Tax Collector Resolutions - 10), Item 18 (Raffle License Marlboro Jewish Center), Item 19 (Res. #333-93 - Settling Rates - Police Outside Contracts).

Item 20 (Correction and/or Approval of Minutes: Oct. 14 & 28, 1993) was moved to the Dec. 14 agenda.

Good & Welfare - There was no one who wished to speak.

At 9:10 P.M., Councilman Broderick moved that the meeting go into Closed Session for the purposes of discussing personnel. This was seconded by Councilman Friedman and the following

resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of December, 1993 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 5 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 9:24 PM, Councilman Friedman moved that the executive session be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

At 9:25 PM, Councilman Gurtman moved that the meeting be adjourned. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *January 27, 1994*

OFFERED BY: *Boderick*

AYES: *2*

SECONDED BY: *Friedman*

NAYS: *0*

*Evelyn D. Piccolini*

*Herbert Lichter*

\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

\_\_\_\_\_  
HERBERT LICHTER  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

December 14, 1993

The Marlboro Township Council held a regularly scheduled Council Meeting on December 14, 1993 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Lichter announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro were sent to the Asbury Park Press and the News Tribune on December 11, 1992; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Broderick, Councilman Carpiano,  
Councilman Friedman, Councilman Gurtman  
and Council President Lichter

Also present were: Mayor Scannapieco, Township Attorney John Bennett, Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Citizen's Voice - There was no one who wished to speak.

Council Speaks Out - Council President Herbert Lichter wished everyone Happy Holidays and a happy, healthy New Year on behalf of the Township Council.

Councilman Gurtman moved that the minutes of October 14 & 28, 1993 be approved. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Lichter opened the Public Hearing on Ord. #57-93 (Establishing Board of Ethics). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #339-93/ Ord. #57-93 was introduced by reference, offered by Councilman Broderick and seconded by Councilman Gurtman. Discussion followed, during which Councilman Friedman reiterated his position that he is not in favor of establishing a local Ethics Board, as this service is being provided by the State at no cost to the township. Roll call was then taken, and Res. #339-93/ Ord. #57-93 was passed by a 4 - 1 vote, with Councilman Friedman voting no.

RESOLUTION # 339-93

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

ORDINANCE # 57-93

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REPEALING CERTAIN SECTIONS OF ARTICLE X (DEPARTMENT OF LAW) OF CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) AND AMENDING AND SUPPLEMENTING CHAPTER 14 (ETHICS, CODE OF) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter made a motion that former members of the previous Ethics Board be appointed, Cecily Ramos Ouimet and Gerald Newman, as well as Barry Denkensohn, when the ordinance goes into effect. Councilman Carpiano seconded the motion. Discussion followed, during which Councilman Broderick asked for a ruling on whether appointments can be made before the ordinance is in place (after publication, as required by law). Township Attorney John Bennett informed Council that the ordinance must be in place before appointments can be made. The motion was withdrawn, and as there would be no time to have a special meeting because of the holidays, Council President Lichter asked that the three names mentioned be considered as the democratic members of the Ethics Board, when Council meets to make the appointments. Councilman Broderick and Councilman Friedman pledged to do so. Mayor Scannapieco commented that out of 567 municipalities in New Jersey only 13 municipalities have local Ethics Boards. The others use the State agency to remove it from local jurisdiction, for cost factors and to avoid any political bias. He stated he will weigh this heavily, as to what action he will take within the next 10 days, possibility vetoing the ordinance.

Council President Lichter opened the Public Hearing on Ord. #64-93 (Amend Chapter 84 - Performance Guarantees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #340-93/Ordinance #64-93 was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Discussion followed during which Township Attorney John Bennett stated that the Planning Board had recommended substantial changes to this ordinance. They asked that Council adopt this ordinance as is, and then do an amended Ordinance early next year. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 340-93

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

ORDINANCE # 64-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-26 (GUARANTIES, INSPECTIONS AND DEVELOPERS' AGREEMENTS) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #65-93 (Authorizing Township to Accept Property - Ramsgate & Nolan Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #341-93/Ordinance #65-93 was introduced by reference, offered by Councilman Broderick, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 341-93

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

ORDINANCE # 65-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACCEPT THE DEDICATION OF A PORTION OF BLOCK 139, LOT 1 (RAMSGATE DRIVE/NOLAN ROAD) FOR PUBLIC PURPOSES

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

Council President Lichter opened the Public Hearing on Ord. #67-93 (Amend Chapter 84 - Detention Basins). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #342-93/Ordinance #67-93 (Amend Chapter 84 - Detention Basins) was introduced by reference, offered by Councilman Broderick and seconded by Councilman Carpiano. Discussion followed, during which Councilman Friedman asked for clarification on the exclusions (Mount Laurel developments and those deemed complete by Dec. 1, 1993). Township Attorney John Bennett stated that developments under the Mount Laurel Court Order cannot be held to the particulars of this ordinance as their rights are vested. As to developments deemed complete by Dec. 1, 1993, any changes would result in changes to the preliminary applications, causing a great deal of engineering moneys to be expended. The question was called, and

Res. #342-93/Ord. #67-93 was passed on a roll call vote of 4 - 1 in favor, with Councilman Friedman voting no.

RESOLUTION # 342-93

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

ORDINANCE # 67-93

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-104 (STORMWATER MANAGEMENT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

Council President Lichter opened the Public Hearing on Ord. #68-93 (Authorizing Acquisition of Property - Road Construction - Texas Rd. - Greenwood Road to Aberdeen Border). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #343-93/Ordinance #68-93 was introduced by reference, offered by Councilman Broderick, seconded by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 343-93

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

ORDINANCE # 68-93

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A PORTION OF CERTAIN PROPERTIES BY CONVEYANCE OR CONDEMNATION IN ORDER TO PERFORM IMPROVEMENTS TO TEXAS ROAD

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

Council President Lichter opened the Public Hearing on Ord. #69-93 (Amend Section 84-38 - LC District). Raymond Gong - 11 Cottonwood Lane, Holmdel - stated that he is the owner of property at the intersection of Texas and Spring Valley Road, and he asked what the purpose of this ordinance is. Township Attorney John Bennett stated that this ordinance is to reiterate and reconfirm the previous ordinance, as this is now the subject matter of litigation. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution # 344-93/Ordinance #69-93 (Amend Section 84-38 - LC District) was introduced by reference, offered by Councilman Broderick, seconded

by Councilman Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 344-93

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

ORDINANCE # 69-93

AN ORDINANCE AMENDING SECTION 84-38 (LC LAND CONSERVATION DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

The following Resolution #333-93 (Setting Rates - Police Outside Contract) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 333-93

RESOLUTION ESTABLISHING FEES FOR SPECIAL DUTY  
ASSIGNMENT FOR POLICE OFFICERS

WHEREAS, various businesses working within the municipality from time to time make request for assistance from members of the municipal police department to perform special duty assignment services; and

WHEREAS, it is deemed to be in the interest of safety that personnel specially trained to undertake these activities be used in the performance of these duties; and

WHEREAS, work performed is to be considered a "special duty assignment from independent contractors" pursuant to Section 4-98(C) of the Township Code and as such is exempt from the Fair Labor Standards Act; and

WHEREAS, the Chief of Police has recommended that the hourly rate should be as follows:

Construction Work	\$33.00
Security Work	\$33.00
School Work	\$25.00
Non-Profit Sporting Event	\$25.00
Other Non-Profit	\$25.00
Other	\$33.00

all of which shall have deducted from it ten percent (10%) of the per hour rate as a surcharge for administrative costs to be retained by the municipality; and

WHEREAS, such assignments are to be approved through the Chief of Police and are subject to all other provisions of Section 4-98(C) of the Township Code.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Chief of Police or his designee is hereby authorized for and on behalf of the municipality to enter into agreements, a representative copy of which is attached hereto, providing for special duty assignments for which the municipality shall be compensated as set forth above per man hour.

BE IT FURTHER RESOLVED that the rate and authority given by virtue of this Resolution may be amended or revoked at any time by the governing body.

BE IT FURTHER RESOLVED that any and all municipal officials required to take any and all action as a result of the adoption of this Resolution are hereby empowered to do so.

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

- a. Chief of Police
- b. Business Administrator
- c. Chief Financial Officer
- d. Township Attorney

Upon the recommendation of the Union negotiator, Council was asked to table the following Resolutions to the first workshop meeting in January: Res. #337-93 (Authorizing Contract: Dispatchers), Res. #338-93 (Authorizing Contract: FOP - Captains), and Res. #345-93 (Authorizing Contract: CWA - White Collar). Motion to table was made by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot to table.

The following Resolution #346-93 (Zoning Board Appointments - Unexpired Terms) was introduced by reference, offered by Councilman Gurtman and Councilman Carpiano. Discussion followed, during which Councilman Broderick and Councilman Friedman objected to the manner in which these appointments were being done. After discussion, Res. #346-93 was passed on a roll call vote of 3 - 1 in favor, with Councilman Friedman voting no, and Councilman Broderick abstaining.

RESOLUTION # 346-93RESOLUTION TO FILL UNEXPIRED TERMS ON THE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT

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

JOSEPH CASTELUCCI is hereby appointed to fill the unexpired term of Richard Chilemi, as Alternate #2, said term to expire December 31, 1994 and until a successor is appointed and qualified.

SHERRI HOFFER is hereby appointed to fill the unexpired term of Joseph Castelucci, said term to expire December 31, 1996 and until a successor is appointed and qualified.

The following Resolution #347-93 (Setting Rates for Mileage Reimbursement) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 347-93RESOLUTION AUTHORIZING AN INCREASE IN MILEAGE  
REIMBURSEMENTS TO TOWNSHIP EMPLOYEES

WHEREAS, Township employees who utilize their motor vehicles in connection with Township oriented business currently receive reimbursement from the Township at the rate of 20 cents per mile; and

WHEREAS, the Township Council is desirous of increasing the said amount to 25 cents per mile so that this mileage reimbursement amount shall be consistent with the amount provided in the Township Police contracts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the mileage reimbursement amount granted to Township employees who utilize their motor vehicles in connection with Township oriented business shall be increased from 20 cents to 25 cents as of the date of passage of this Resolution.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Sheila Fishkin, Chief Financial Officer
- b. Robert Albertson, Business Administrator
- c. All Department Heads
- d. Township Attorney

The following Resolution #348-93 (Bond Reduction Ryan Meadows North, Ryan Road Improvement) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 348-93

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE  
GUARANTEE - RYAN MEADOWS NORTH/RYAN ROAD IMPROVEMENT

WHEREAS, the Township of Marlboro has received a request for the release of Township held performance guarantees for a development known as Ryan Meadows North/Ryan Road Improvement; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Michael Krak, Supervising Chief Inspector, T&M Associates, the consultant in charge of inspections for this property, dated November 24, 1993 which has been reviewed and recommended for Township Council action by Dean Staknys, P.E., on November 24, 1993; and

WHEREAS, the above report is attached hereto and made a part hereof as set forth in full. \*SEE ATTACHED

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the performance guarantee for a development known as Ryan Meadows North/Ryan Road Improvements in the current amount of \$31,961.00 shall be reduced to zero and released.

2. That the cash guarantee for a development known as Ryan Meadows North/Ryan Road Improvement, in the current amount of \$2,899.00 shall be reduced to zero and released.

3. That this release is conditioned upon the following:

- a. The posting of a two (2) year fifteen percent (15%) Maintenance Guarantee in a form acceptable to the Township in the amount of \$8,696.85 by the developer prior to final release;
- b. The submission of an acceptable an as-built plan by the developer prior to final release.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Dan Werbler, Developer  
Ryan Meadows North/Ryan Road Improvement

\*Copies of attached material to be found in the regular minute book in Clerk's office.

- b. Michael Krak Supervising Chief Inspector  
T & M Associates, 11 Tindall Road,  
Middletown, New Jersey 07748
- c. Township Engineer
- d. Township Attorney

The following Resolution #349-93 (Approval of Sanitary Sewer Replacement) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 349-93

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO EXECUTE  
CONSENT FORM REGARDING APPROVAL OF PROJECT -  
REPLACEMENT AND RELOCATION OF SANITARY SEWER

WHEREAS, the Western Monmouth Utilities Authority (WMUA) has proposed a project which involves the replacement and relocation of approximately 1,340 feet of existing sanitary sewer interceptor in the area of Big Brook tributary, specifically in the tract of vacant land connecting Girard Street and Taylor Road in the Township of Marlboro (see attached map); and

WHEREAS, as a part of its application to the NJDEPE for the necessary permit(s) and/or other approvals for the project, the WMUA has requested the consent of the Township of Marlboro; and

WHEREAS, the Township Engineer has reviewed the project and recommends that the Township provide its consent, pursuant to State requirements, for the approvals requested by the WMUA.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That an authorized representative of the Township is hereby authorized to execute the attached form indicating the consent of the Township of Marlboro to the submission of the above matter to the NJDEPE by the WMUA for approval.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. The Western Monmouth Utilities Authority
- b. N.J.D.E.P.E
- c. Township Engineer
- d. Township Planning Board
- e. Township Attorney

The following Resolution #350-93 (Transfer) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Broderick and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 350-93

WHEREAS, certain appropriations in the 1993 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A:4-58 allows transfers to be made between line item appropriations from November 1, through December 31, annually,

NOW, THEREFORE BE IT RESOLVED that the following transfers be made:

From:

Township Council O/E	4,000.00
Admin. & Exec. O/E	7,500.00
Zoning Board O/E	5,000.00
Tax Collector O/E	4,000.00
Health Benefits	5,000.00
Finance O/E	2,500.00
Grounds Maint. O/E	<u>9,000.00</u>

Total     \$37,000.00

To:

Legal O/E	25,000.00
Police O/E	3,000.00
Recycling O/E	<u>9,000.00</u>

\$37,000.00

The following Resolution #351-93 (Change Title & Text) was introduced by reference, offered by Councilman Carpiano, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 351-93

WHEREAS, N.J.S. 40A: 4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budgets as available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A. 4-85, the Township of Marlboro hereby

requests the Director of the Division of Local Finance to make the following corrections in the budget of the year 1993:

FROM: SALARY ADJUSTMENT	\$73,605.00
TO:	
Administrative & Executive S & W	3,300.00
Treasurer S & W	3,600.00
Tax Assessor S & W	2,100.00
Tax Collector S & W	3,850.00
Building & Grounds S & W	500.00
Fire Safety S & W	1,000.00
Highway Safety S & W	3,300.00
Streets & Roads S & W	10,000.00
Police S & W	40,000.00
Recreation S & W	4,955.00
Legal S & W	<u>1,000.00</u>
Total	\$73,605.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth:

Budget Line entitled Salary Adjustments to provide for contracts signed subsequent to budget adoption.

The following Resolutions were introduced by reference, offered by Councilman Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot: Res. #352-93 (Veteran Deduction B. 299, Lot 123), Res. #353-93 (Veteran Deductions - Various), Res. #354-93 (Redemption Tax Sale Certificates - Various), Res. #355-93 (Overpayments for 1992 Taxes Due to Homestead Rebate - Various), Res. #356-93 (Veteran Deduction B. 288, Lot 29, C0206), Res. #357-93 (Veteran Deduction B. 385, Lot 27), Res. #358-93 (Tax Refund for Overpayment B. 288, L. 29), Res. #359-93 (Refund to WMUA - Various), Res. #360-93

(Cancellation of Taxes - New Jersey Transit), Res. #361-93 (Redemption Tax Sale Certificates- Various), Res. #363-93 (Raffle License Marlboro Jewish Center), Res. #364-93 (Raffle License St. Gabriel's Church), Res. #365-93 (Raffle License St. Gabriel's Church Rosary-Altar Society), Res. #366-93 (Bingo License St. Gabriel's Church), and Res. #367-93 (Bingo License St. Gabriel's Church Rosary-Altar Society).

RESOLUTION # 352-93

WHEREAS, a Veteran deduction in the amount of \$50.00 has been granted for the year 1993 on Block 299, Lot 123 assessed to Leonard & Geraldine Rappa,

AND WHEREAS, the assessed owners had an existing veteran deduction credited to their taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to remove the later deduction and collect from the above-mentioned taxpayers the amount of \$50.00.

RESOLUTION # 353-93

WHEREAS, Veteran deductions totaling \$100.00 have been granted as per the attached Schedule "A" for the year 1993,

WHEREAS, taxes for the year 1993 have been paid in full on the above-mentioned block & lots,

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

SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT
134	1	Theodore & Judith H. Winters	\$ 50.00
170	4	Peter R. Bellone, Jr.	<u>50.00</u>
TOTAL -----			\$100.00

RESOLUTION # 354-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$67,917.68 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$67,917.68 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

<u>LIEN NO.</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
90-9) 91-25) 93-28)	157/25	Carole Salkind & Sheila Brodsky	\$14,448.26
90-8 91-26) 93-29)	157/26	Carole Salkind & Sheila Brodsky	
			19,948.09      34,396.35
93-13	132/23	Carol L. Baron, Trustee	4,058.33
93-23	152/2	Carol L. Baron, Trustee	<u>4,508.98</u>
			8,567.31
92-60	288/29 C0022	Corfacts, Inc.	760.24
93-7	108/8	LBM Corfacts	4,558.18
93-12	132/21	LBM Corfacts	4,444.49
93-14	132/25	Betty Simon, Trustee	4,437.20
93-15	132/26	Michael Scaturo	<u>10,753.91</u>
		TOTAL -----	\$67,917.68

RESOLUTION # 355-93

WHEREAS, the attached list in the amount of \$1,360.25, known as Schedule "A", is comprised of amounts representing overpayments for 1992 fourth quarter taxes due to the Homestead Rebate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts which totals \$1,360.25 to the respective taxpayers.

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
111	21	Simon & Delores Bradley	\$ 440.25
134	20	Frieda Beardsworth	90.00
171	35	William L. Konrad	90.00
299	130	Dorothy Daubert	150.00
322	19	Robert & Jane Wendel	500.00
329	9	Daniel M. & Bohdonna Aloia	<u>90.00</u>
		TOTAL-----	\$1,360.25

RESOLUTION # 356-93

WHEREAS, a Widow of a Veteran deduction in the amount of \$50.00 has been granted for the year 1993 on Block 288 Lot 29 C0206 assessed to Ruth S. Appel,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$50.00 to the above-mentioned taxpayer.

RESOLUTION # 357-93

WHEREAS, a Veteran deduction in the amount of \$50.00 has been granted for the year 1993 on Block 385 Lot 27 assessed to Nathan & Beatrice G. Handlin,

WHEREAS, taxes for the year 1993 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$50.00 to the above-mentioned taxpayer.

RESOLUTION # 358-93

WHEREAS, an overpayment of 1993 third quarter interest and costs have been received in the amount \$20.00 for Block 288, Lot 29 C0021 assessed to James and Frances Maxwell,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$20.00 to the above-mentioned taxpayer.

RESOLUTION # 359-93

WHEREAS, tax sale certificates sold at the 1993 Tax Lien Sale included delinquent sewer charges in the amount of \$10,745.68 as per Schedule "A" and

WHEREAS, the above-mentioned tax sale certificates were bought by third parties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$10,745.68 be refunded to the WMUA.

SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT	TAX SALE CERT.
107	6	Cash, Frank	445.04	93-4
149	4	Eckel, Theresa	158.24	93-22

180	79.01	Pischettola, Vincent & Dorothy	326.41	93-33
139	7	Wright, Ralph E. & Sallie	410.91	93-47
150	7	May, William H.	359.40	93-48
173	7C0348	Cohen, Steven A.	426.32	93-49
176	98	Nodalny, John S, J Loures & G. Loures	452.48	93-50
178	2 C0563	Thorpe, Robin & Barbara	406.47	93-51
180	65	Tepper, Harold & Adrian	443.68	93-52
205	11	Ponzo, Donna	399.65	93-53
206	1	Getty, Desly L.	457.84	93-54
212	4	Natoli, Anthony	311.38	93-55
28	17	Fertig, David & Renee	283.89	93-56
248	15	Jonas, Ira M. & Lois N.	364.17	93-57
261	6	Trapani, Vincent S. & Jeannine N.	453.18	93-58
283	4	Bennett, Elliot	434.42	93-59
314	12	Brody, Jack & Rochelle	424.17	93-60
370	9	Steuerman, Robert & Marilyn	460.55	93-61
394	20	Katz, Zalman & Andrea	177.31	93-62
396	1 C0036	Sanders, Jeffrey S. & Lisa J.	1,529.09	93-63
396	1 C0172	Greenman, D.A. & R.D. & Cupolo, S	447.58	93-64
396	1 C0266	Lotito, Robert & Woodruff, Patricia	445.51	93-65
379	9	Harris, Alva N.	463.13	93-66
403	1	Goldberg, Eileen	204.96	93-67
404	26	Nizza, Gerald A. & Antoinette	459.90	93-68

TOTAL ----- \$10,745.68

RESOLUTION # 360-93

WHEREAS, the Tax Assessor has issued the attached memo stating that eight parcels of land assessed to New Jersey Transit should be tax exempt for the year 1993, and

WHEREAS, the taxes for these properties are listed on the attached Schedule A,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel these taxes amounting to \$13,086.91.

SCHEDULE "A"

BLOCK		AMOUNT
111	33	772.09
149	19	2,023.17
159	14	4,182.17
164	2	1,587.08
169	26	2,771.43
193	66	309.79
213	49	275.18
356	2	<u>1,166.00</u>
		\$13,086.91

RESOLUTION # 361-93

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$75,868.77 as per Schedule "A",

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$75,868.77 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
91-3)	132/22	Russell Reeves	\$38,929.33
92-11)			
91-4)	152/1		<u>24,914.25</u>
92-18)			63,843.58
91-33	198/2	George Schafer, Trustee	871.97
92-17	149/3	Hugh McKittrick	6,329.46
92-64	288/29/C0026	Corfacts, Inc.	758.44
92-139	182/9	L. Aiese	390.84
92-147	314/12	Gregory Hauke	243.55
92-150	370/9	Lamar Life Insurance Co.	471.58
93-41	352/9	George Schafer, Trustee	1,986.72
93-60	314/12	Carol L. Baron, Trustee	469.46
93-66	397/9	George Schafer, Trustee	<u>503.17</u>
TOTAL -----			\$75,868.77

RESOLUTION # 363-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 3-94 be and it is hereby granted to Marlboro Jewish Center.

BE IT FURTHER RESOLVED that said Raffle will be held on April 30, 1994 at 11:50 PM at the Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 364-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 1-94 be and it is hereby granted to St. Gabriel's Church.

BE IT FURTHER RESOLVED that said all drawings will be held on Sundays beginning on January 2, 1994 to December 18, 1994

(except April 3, 1994) from 7:30 PM to 10:30 PM, at the Church Hall, Route 79, Marlboro, New Jersey.

RESOLUTION # 365-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 2-94 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society.

BE IT FURTHER RESOLVED that all drawings will be held on Mondays beginning on January 3, 1994 to December 19, 1994 (except April 4 & December 26, 1994) from 12 Noon to 2:30 PM at the Church Hall, Route 79, Marlboro, New Jersey.

RESOLUTION # 366-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License No. BA: 1-94 be and it hereby granted to St. Gabriel's Church.

BE IT FURTHER RESOLVED that games will be played each Sunday, beginning on January 2, 1994 to December 18, 1994 (except April 3, 1994). Games will begin at 7:30 PM, and will be held at the Church Hall, Route 79, Marlboro, New Jersey.

RESOLUTION # 367-93

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License No. BA: 2-94 be and it hereby granted to the St. Gabriel's Church Rosary-Altar Society.

BE IT FURTHER RESOLVED that games will be played each Monday, beginning on January 3, 1994 to December 19, 1994 (except April 4 & December 26, 1994). Games will begin at 12 Noon, and will be held at the Church Hall, Route 79, Marlboro, New Jersey.

The following Resolution #362-93 (Amending Resolution #239-93 - Battista) was introduced by reference, offered by Councilman Gurtman, seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 362-93

RESOLUTION AMENDING RESOLUTION NO. 236-93, PASSED  
ON AUGUST 12, 1993, AUTHORIZING PERFORMANCE  
BOND RELEASE - VIC'S LANDSCAPING

WHEREAS, on August 12, 1993, the Township Council passed Resolution No. 236-93, which authorized the release of Township held performance guarantees to "Mark Brady, a.k.a. Vic's Landscaping;" and

WHEREAS, the Resolution conditioned the performance guarantee release upon several requirements, including the posting of a two (2) year, fifteen percent (15%) Maintenance Bond in the amount of \$3,206.00 by the applicant with the Township at the time of final release; and

WHEREAS, subsequent to the passage of the said Resolution, by letter dated December 9, 1993, the Township received a request from Vic's Landscaping to amend Resolution No. 236-93 to the effect that the name "Mark Brady a.k.a. Vic's Landscaping" be changed to "Victor and Carol Battista" since Mark Brady is no longer involved and the Battistas are the owners of the property; and

WHEREAS, the above letter further requests that Resolution No. 236-93 be amended to the effect that the length of time of the Maintenance Bond be changed from two (2) years to one (1) year; and

WHEREAS, the Township Engineer's office has been advised of these requests and has consented to the proposed amendments; and

WHEREAS, the above letter dated December 9, 1993 is attached hereto and made a part hereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That Resolution No. 236-93, passed on August 12, 1993, is hereby amended so as to change the name of the property owner from "Mark Brady a.k.a. Vic's Landscaping" to "Victor and Carol Battista."

2. That Resolution No. 236-93, passed on August 12, 1993, is hereby further amended so as to change the length of time required for the Maintenance Bond from two (2) years to one (1) year.

3. That all other terms of Resolution No. 236-93 shall remain in full force and effect.

4. That a certified copy of this Resolution shall be provided to each of the following:

- a. Victor and Carol Battista,  
Vic's Landscaping, 253 Route 79  
Morganville, New Jersey 07751
- b. Township Engineer
- c. Township Attorney

\*Copies of attached material to be found in regular minute book in Clerk's office.

The following Resolution #368-93 (Reaffirming Res. #190-93 & Res. #191-93 - Apgar-MacDonald) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 368-93

RESOLUTION OF THE TOWNSHIP OF MARLBORO REAFFIRMING ITS  
REQUEST THAT THE STATE OF NEW JERSEY TAKE IMMEDIATE REMEDIAL  
ACTION TO CORRECT PROBLEMS AT THE Mac DONALD  
AND APGAR RESIDENCES WITHIN THE TOWNSHIP

WHEREAS, on June 24, 1993, the Township Council of the Township of Marlboro passed Resolution No. 190-93, which called upon the State of New Jersey to take immediate remedial action to correct the drainage problems impacting upon the residence owned by Robert A. and Grace MacDonald, located on Route 79 in the Township, known also as Block 207, Lot 11 on the Municipal Tax Map, which were caused from the improvements performed by the Department of Transportation to State Highway No. 79; and

WHEREAS, additionally, on June 24, 1993, the Township Council of the Township of Marlboro passed Resolution No. 191-93, which called upon the State of New Jersey to take immediate remedial action to correct the erosion of property and drainage problems impacting upon the residence owned by Grace I. Apgar, located at 62 North Main Street in the Township, known also as Block 213, Lot 41 on the Municipal Tax Map, which were the direct result of the diversion of Big Brook Stream by the State of New Jersey as well as the recent improvements performed by the DOT to the Big Brook Bridge section of State Highway No. 79 in the Township; and

WHEREAS, as a result of the Township Council's actions in this regard, two (2) individuals from the DOT, specifically, Mr. Ladd Szalag and Mr. Louis Pace, appeared at the Township Council meeting of December 2, 1993, at which the State representatives agreed to meet with Township officials and representatives from the County at the respective sites in order to review the problems and discuss possible solutions to same; and

WHEREAS, this meeting in the field at the two (2) sites occurred on December 7, 1993, at which time certain proposals involving the assistance of the DOT were discussed; and

WHEREAS, the Township Council wishes to reaffirm its request that the State of New Jersey take immediate remedial action at both premises.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro as follows:

1. That the governing body hereby calls upon the State of New Jersey to take immediate remedial action to correct the problems impacting upon the residences owned by Robert A. and Grace

MacDonald (Route 79 - Block 207, Lot 11) and Grace I. Apgar (62 North Main Street - Block 213, Lot 41), which were caused from the improvements performed by the Department of Transportation to State Highway No. 79 and/or the diversion of Big Brook Stream by the State of New Jersey.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Legislative Delegation of the Township of Marlboro
- b. Governor of the State of New Jersey
- c. The Board of Chosen Freeholders
- d. The Department of Environmental Protection and Energy
- e. The Department of Transportation
- f. Robert A. and Grace MacDonald, Box 81, Route 79, Marlboro, New Jersey 07746
- g. Grace I. Apgar, 62 North Main Street Marlboro, New Jersey 07746
- h. Township Engineer
- i. Township Attorney

Administrative Report - Mayor Scannapieco informed Council that the township received its dividend from the Joint Insurance Fund, approximately \$32,000, and was checking into whether this can be turned into a credit for next year. The Mayor also mentioned that leaf pick-up for this year is essentially completed, and commended the township Road Dept. for the efficient job they did. Mayor Scannapieco reminded everyone that the Holiday Party will be on Thursday, Dec. 16th at the Morganville Fire House, and wished everyone a Happy Holiday and a Happy New Year.

Councilman Friedman presented plaques to the outgoing Council members, Council President Lichter, Council Vice President Gurtman and Councilman Carpiano, in recognition of their contribution to Marlboro during their term of office. Each said a few words on their terms as Council members.

Public Session - There was no one who wished to speak.

Council took a five-minute recess.

At 9:10 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Carpiano, and the following resolution was passed on a roll call vote of 5 - 0 in favor.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of December, 1993 to go into executive session for the purpose of

discussing those items that are particularly exempted from the Open Public Meetings Act, specifically personnel & litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 10:00 PM, Councilman Broderick moved that the executive session be opened. This was seconded by Councilman Carpiano, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #369-93 (Authorizing Agreement - K. Hovnanian) was introduced by reference, offered by Councilman Broderick, seconded by Council Vice President Gurtman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 369-93

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO AN AGREEMENT WITH K. HOVNANIAN AT MARLBORO TOWNSHIP, INC. CONCERNING THE PAYMENT OF FEES INTO THE STORMWATER IMPACT AND FACILITIES IMPROVEMENT FUND

WHEREAS, the Township of Marlboro currently requires the payment of monetary sums into the Stormwater Impact and Facilities Improvement Fund, hereinafter referred to as "Fund", pursuant to Section 84-104(X) and Land Use Fee Schedule A (Nonrefundable fees) of the Township Code; and

WHEREAS, as per the terms of the above sections of the Code, there is a fee outstanding to the Township to be deposited into the "Fund" for a development known or formerly known as "Elizabeth Hills," aka "The Woods at Marlboro", which received final major subdivision approval from the Township Planning Board for Section I thereof by Resolution dated October 21, 1992; and

WHEREAS, K. Hovnanian at Marlboro Township, Inc., hereinafter referred to as "Hovnanian", is the contract purchaser of the said development; and

WHEREAS, while the Township is in the process of taking steps to amend the formula by which the fee specified in the above sections of the Code is calculated, the Township and Hovnanian are interested in entering into the attached Agreement regarding the payment of fees due to the Township for "Elizabeth Hills", aka "The Woods at Marlboro", as well as for another Hovnanian project to be known as "Woodbury Oaks".

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is authorized to execute and the Clerk to attest the attached Agreement between the Township of Marlboro and K. Hovnanian at Marlboro Township, Inc. regarding the payment of fees into the Stormwater Impact and Facilities Improvement Fund for the above developments, under the conditions which are set forth in the said Agreement, which shall fully satisfy the builder's obligation to deposit monies into the "Fund" for these projects.

2. That a certified copy of this Resolution with attached Agreement be provided to each of the following:

- a. Daniel Murphy, Esq.  
K. Hovnanian at Marlboro Township, Inc.  
Ten Highway 35, Red Bank, New Jersey
- b. Sheila Fishkin, Chief Financial Officer
- c. Marlboro Township Planning Board
- d. Frances Kessler, Zoning Officer
- e. William Newman, Construction Code Official
- f. Township Attorney

At 10:05 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilman Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: *January 27, 1994*

OFFERED BY: *Broderick*

AYES: 2

SECONDED BY: *Friedman*

NAYS: 0

*Evelyn D. Piccolini*  
 \_\_\_\_\_  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

*Herbert Lichter*  
 \_\_\_\_\_  
 HERBERT LICHTER  
 COUNCIL PRESIDENT