

MARLBORO TOWNSHIP COUNCIL MEETING

January 12, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on January 12, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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 Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #1-95 (Transfer), Res. #2-95 (Temporary Budget), Res. #3-95 (Temporary Budget - Swim).

RESOLUTION # 1-95

WHEREAS, certain appropriations in the 1994 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A:4-59 allows transfers to be made between line item appropriations during the first three months of the succeeding year,

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

From:

Streets & Roads - Road Maintenance O/E                      \$16,450.00

To:

Construction Code O/E	250.00
Equipment Maintenance O/E	600.00
Recreation S & W	1,500.00
Street Lighting	8,000.00
Gasoline	1,000.00
Heating Oil	1,600.00
Diesel	1,500.00
Electric	<u>2,000.00</u>

\$16,450.00

RESOLUTION # 2-95

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contracts, 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 contracts, 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 \$3,382,500.00 does not exceed twenty-five percent of the total Budget Appropriations of the Township of Marlboro for 1994 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 1995 be adopted, and a certified copy of the Resolution be forwarded to the Township Finance Director for his records.

**TOWNSHIP OF MARLBORO****TEMPORARY BUDGET**

1995

Administrative & Executive

Salaries & Wages	
Mayor	7,000.00
Council	36,000.00
Administration	32,000.00
Other Expenses	
Mayor	1,000.00
Council	5,000.00
Administration	25,000.00

Financial Administration

Salaries & Wages	32,000.00
Other Expenses	15,000.00
Annual Audit	15,000.00

Assessment of Taxes

Salaries & Wages	30,000.00
Other Expenses	20,000.00

Collection of Taxes

Salaries & Wages	35,000.00
Other Expenses	10,000.00

Legal Services & Costs

Salaries & Wages	40,000.00
Other Expenses	30,000.00

Engineering

Salaries & Wages	45,000.00
Other Expenses	15,000.00

Building Maintenance

Salaries & Wages	17,000.00
Other Expenses	15,000.00

State Construction Code

Salaries & Wages	90,000.00
Other Expenses	25,000.00

Planning Board

Salaries & Wages	12,000.00
Other Expenses	10,000.00
Contractuals O/E	10,000.00

<u>Health Benefits</u>	190,000.00
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<u>General Insurance</u>	190,000.00
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<u>Workers Compensation</u>	150,000.00
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Public Safety

Salaries & Wages	
Police	800,000.00
Fire Prevention	13,000.00
Highway Safety	35,000.00

Other Expenses	
Police	50,000.00
Fire Prevention	1,000.00
Highway Safety	15,000.00
<u>Emergency Management</u>	
Other Expenses	5,000.00
<u>Crime Prevention</u>	
Other Expenses	5,000.00
<u>Sanitation</u>	
Salaries & Wages	3,000.00
Other Expenses	10,000.00
<u>Recycling</u>	
Salaries & Wages	5,000.00
Other Expenses	55,000.00
<u>Public Works</u>	
Salaries & Wages	
Road Maintenance	225,000.00
Equipment Maintenance	60,000.00
Grounds Maintenance	125,000.00
Other Expenses	
Road Maintenance	65,000.00
Equipment Maintenance	30,000.00
Grounds Maintenance	25,000.00
<u>Health &amp; Welfare</u>	
Salaries & Wages	
Health Services - Registrar	1,000.00
Public Assistance	5,500.00
Drug Control	1,800.00
Other Expenses	
Health Services - Registrar	100.00
Public Assistance	500.00
Drug Control	100.00
<u>Dog Regulations</u>	
Other Expenses	3,000.00

Recreation & Education

Salaries & Wages	50,000.00
Other Expenses	30,000.00

<u>Expenses of the Library</u>	5,000.00
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Utilities

Street Lighting	106,500.00
Electric	45,000.00
Telephone	30,000.00
Water	2,500.00
Sewer	2,500.00
Heating Oil	10,000.00
Natural Gas	9,000.00
Diesel Oil	13,500.00
Gasoline	32,000.00

<u>Social Security</u>	210,000.00
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<u>Unemployment</u>	10,000.00
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Municipal Court

Salaries & Wages	55,000.00
Other Expenses	25,000.00

Affordable Housing

Salaries & Wages	4,000.00
Other Expenses	2,000.00

911 Expenses

Salaries & Wages	70,000.00
Other Expenses	15,000.00

Clean Communities

Salaries & Wages	5,000.00
Other Expenses	2,000.00

Drug Alliance

Salaries & Wages	4,500.00
Other Expenses	<u>3,000.00</u>

Total Operating Budget	\$3,382,500.00
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<u>Debt Service</u>	\$1,000,000.00
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RESOLUTION # 3-95

WHEREAS, in the normal operation of the business of the Township of Marlboro Swim Pool Utility, it will be necessary for making contract, commitments, and payments prior to the adoption of the regular budget for the Township of Marlboro Swim Pool Utility; 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 \$100,000.00 does not exceed twenty-five per cent of the total Budget Appropriations of the Township of Marlboro Swim Pool Utility for 1994 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 Swim Pool Utility for the year 1995 be adopted, and a certified copy of the Resolution be forwarded to the Township Finance Director for his records.

**TOWNSHIP OF MARLBORO  
SWIM POOL UTILITY  
TEMPORARY BUDGET  
1995**

SWIM POOL UTILITY

Salaries & Wages	15,500.00
Other Expenses	74,500.00
Other Expenses - Capital	10,000.00
 Total Operating Budget	 \$100,000.00

The following Resolution #4-95 (Assignment of Tax Sale Cert.- Block 207, Lot 21 - White House) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Township Attorney John Bennett informed Council that this assignment will result in a payment of back taxes of \$175,402.02.

RESOLUTION #4-95

RESOLUTION AUTHORIZING THE SALE OF  
TAX SALE CERTIFICATE NO. TTL 91-75

WHEREAS, the Township of Marlboro is the holder of Tax Sale Certificate No. TTL 91-75 which was acquired by the Township on or about October 25, 1991, by and, under the virtue of N.J.S.A. 54:5-34; and

WHEREAS, N.J.S.A. 54:5-113 et. seq. authorizes the Township to sell a municipally-held tax sale certificate for the original amount thereof together with subsequent liens, interest and costs thereon, at a private sale by assignment; and

WHEREAS, it is deemed financially beneficial to and in the best interests of the Township to sell the aforesaid Tax Sale Certificate as authorized by N.J.S.A. 54:5-113; and

WHEREAS, prior to the passage of this Resolution, the Township has undertaken all necessary notice requirements pursuant to N.J.S.A. 54:5-114.

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

1. That it does hereby authorize the private sale by assignment of Tax Sale Certificate No. TTL 91-75 for the amount of \$175,402.02 (see attached letter of Carol Goldberg, Principal Tax Clerk, dated January 4, 1995) which sum includes the amount of the original Tax Sale Certificate, together with all subsequent liens, interest and costs thereon, as provided for and permitted by N.J.S.A. 54:5-113, to: Wick Realty.

2. That the Mayor and Municipal Clerk are hereby authorized and empowered to make, execute and deliver any and all assignment forms or other legal documents which may be necessary or desired to effectuate the said assignment permitted by this Resolution.

3. That the assignment shall be subject to and conditioned upon any approval necessary by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs pursuant to N.J.S.A. 54:5-113.1.

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

- a. Marie D'Esposito  
c/o C-O Wick Realty  
P.O. Box 29  
Woodbridge, NJ 07095
- b. Robert G. Paulus, President  
Wick Realty  
100 Woodbridge Center Drive, Suite 301  
Woodbridge, NJ 07095
- c. Carol Goldberg, Principal Tax Clerk  
Marlboro Township

- d. Edward C. Eastman, Jr., Esq.  
Lomurro, Davison, Eastman & Munoz  
69 West Main Street, Freehold, NJ 07728-2181
- e. Township Attorney

Council then discussed Item 5 (Resolution and Ordinance Changes requested by Swim Division). Council's only question was the increase in the fee for the camp. This was addressed satisfactorily by Councilwoman Marcus, who had been chairperson of the Swim Division. She stated that this was a full-service day camp, and that it was the division's intention to try to make it self-sustaining and not have the membership subsidize it. After discussion, Council moved this item to the January 26 agenda for First Reading.

Council then discussed Item 8 (Colts Neck High School). Mayor Scannapieco stated that he had received a letter from Mayor Michael Wilson inviting him and several other Mayors to a meeting on Jan. 31st. The purpose of the meeting will be to discuss the Court's ruling that the voters of the Freehold Regional High School district do not have the right to revisit their earlier decision to build an additional high school in Colts Neck township. He read the letter into the record, and Council proceeded to discuss this issue. Council felt that in the interest of common sense and fiscal responsibility, the meeting should be attended. Mayor Scannapieco and Councilwoman Marcus will attend and report back to Council.

Council then discussed Item 9 (Beautification of Marlboro Village). Council President Broderick stated that each member of Council had been furnished with a proposal from T & M Assoc. for the Streetscape Improvements for Marlboro Village. Council was enthusiastic about getting this area renovated, and it was their hope that the moneys could be obtained through grants and private funding. Council decided to refer this project to the Mayor's Advisory Task Force to work on the funding for this project.

Council then discussed Item 7 (Guzman Property - Meadow Wood Assoc. - Zoning Request). Council President Broderick stated that the developer had been before Council previously, and Council had referred this matter to the Planning Board for their input and advice. The Planning Board reviewed this matter and felt it was a concept worthy of discussion. Township Attorney John Bennett furnished Council with a draft of a proposed ordinance for their review. Bill Mehr, Esq., was present representing the applicant and again gave an overview of what is being requested. The property involved is a 65 acre parcel (Block 143, Lot 28, off of Route 34) presently

zoned R-60, which is adjacent to the Woodcliff development. Access to this development would be through the Woodcliff development, and not through Route 34. The applicant is asking for rezoning to allow this to be developed at one unit per acre, clustered down to 15,000 sq. ft. lots, so that a large area of the tract (approximately half) would remain for passive recreation and preservation. Councilman Friedman was concerned about the developer not having paid escrow fees on several other developments. Mr. Mehr responded that the developer will be paying the escrow fees within the next few weeks, as he will be receiving moneys from performance bond releases. Councilman Friedman also voiced safety concerns, as the only access to the development would be through Woodcliff. He felt it would be difficult for emergency vehicles to respond in a timely fashion. He felt that Council should not rush into this decision, as no building has started on the Woodcliff property. Council discussed this further, and it was their consensus to move this to the January 26 agenda for First Reading, if it can be ready in time. Councilman Friedman did not agree with the consensus.

Council then discussed Item 10 (Vacancy Decontrol/Mobile Homes on Transfer of Title). Mr. Raffetto informed Council that he sent an outline to the Rent Control Board of what Council is considering, and he requested their opinion. This will be discussed by the Rent Control Board at their next meeting, and will then come back to Council. Joyce Leon - gave the opinion of the Wickatunk Village Homeowners Assoc. - asking that Council proceed with capping the vacancy decontrol provision.

Council then took a brief recess.

Council then moved Item 11 (Person to Person & Place to Place Transfer - Countryside Bldrs. to Grain H 2 0 Inc.) to the January 26 agenda, after their questions were addressed.

Council then discussed Item 6 (Presentation/Discussion - Michael Weitz). Peter Buchsbaum, Esq., and Mr. Weitz gave the presentation. Mr. Buchsbaum gave an overview of what is being proposed, such plan consisting of three parcels. Mount Laurel units will be transferred to Freehold Borough through RCA agreements, a 28 acre parcel will be dedicated to the township for possible transfer to the Board of Education for a future school, and the construction of previously approved townhouses will be eliminated. This plan substantially reduces the total amount of previously approved homes. Another 5 acres will be donated to the township for recreational purposes. After discussion, Council agreed that the ordinance agreeing to this proposal be moved to the January 26 agenda for First Reading. Council President Broderick asked that the Board of Education be notified, and asked for their input.

The following items were moved to the January 26 agenda: Item 12 (Bond Reduction Woods at Marlboro - Section 2), Item 13 (Bond Release Marlboro Chrysler Plymouth), Item 14 (Amend Ords. #22-94 - 1994 Salary Ord.), Item 15 (Speed Limit on Council Drive and Stonehenge Drive - 15 MPH), Item 16 (Granting Easement NJDEPE - Remediation of Burnt Fly Bog), Item 17 (Raffle License Marlboro Little League), Item 18 (Raffle License Upper Room Spiritual Center), Item 19 (Tax Collector Resolutions - 3), and Item 20 (Correction and/or Approval of Minutes: Nov. 22, Dec. 1 & Dec. 15, 1994).

Council Vice President Colarusso nominated Jack Williams for MTMUA Commissioner. The nomination was seconded by Councilman Friedman, and this resolution was moved to the January 26 agenda for action.

Good & Welfare - Township Attorney John Bennett furnished Council with a status report on various matters being worked on by his firm. He is also preparing a list of files that have been completed for their information. Council also asked for a status report from Mr. Goldzweig on the matters his office is working on. Mr. Bennett will get that for Council, and stated that he will try to give Council an update on all matters once a month.

Council then took a recess.

At 10:00 P.M., Councilman Metzger moved that the meeting go into Closed Session for the purposes of discussing personnel and contract negotiations. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 12th day of January, 1995 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 contract negotiations.

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 one hour. 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 meeting be opened. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:16 PM, Council Vice President Colarusso moved that the meeting be adjourned. This was seconded by Councilwoman Marcus,

and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 23, 1995

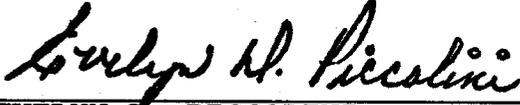
OFFERED BY: Colarusso

AYES: 4

SECONDED BY: Metzger

NAYS: 0

ABSENT: Friedman

  
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EVELYN D. PICCOLINI  
MUNICIPAL CLERK

  
\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

January 26, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on January 26, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994, posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilwoman Marcus, Councilman Metzger, Councilman Friedman and Council President Broderick.

Also present were: Township Attorney John Bennett, Joe Orlando, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

Administrative Report - Mayor Scannapieco informed Council that the budget is being worked on by the Auditor, and should have a completed budget to Council by mid February. He also stated that most of the audit will be completed by next week. The Mayor stated that the Township Planner is now working on the plan for the town's Mount Laurel commitment, which must be filed by March 6th 1995, and he is looking into all options including Regional Contribution Agreements.

Council Speaks Out - Council President Broderick stated that the Township has received \$47,220 from Cablevision Inc. for use of municipal rights of way. He also stated that the County is undertaking an extensive road improvement program in Marlboro and Manalapan township for the next six years. One portion will consist of the intersection of Union Hill Rd. & Tennent Rd., and he asked that the Clerk furnish Council with a copy of the County's letter describing the program. Council President Broderick remarked that the atmosphere during the new Zoning Board's first meeting has become more positive. Also, he was encouraged to see the liaison appointed by Council attend the meeting and taking notes. He also mentioned that Irving Shomer, liaison to the Board of Freeholders, furnished Council with a synopsis of their meeting of January 12th and he thanked him for his valuable service to the community. Council President

Broderick informed Council that he has invited all the liaisons to the next Council workshop meeting to discuss their role. He also stated that the chairman of the Mayor's Task Force had enthusiastically received the Streetscape Improvement Project for Marlboro Village, and will review this project in detail. He was very encouraged that this project will hopefully come to fruition in the not so distant future, all at no expense to the taxpayer of the Township. Council President Broderick spoke about the Discovery House patient that fled from Marlboro Hospital. He could not understand how an individual with an extensive record of burglary, armed robbery, kidnaping and possession of a weapon could have been in Discovery House and not in jail. He stated that neither the Mayor nor the Council had been notified, and this incident will be brought up at a previously scheduled meeting with the Hospital Security committee this coming Monday. He stated this may warrant a Council or possible Senate investigation to ascertain the relationship between the State of N. J. and Discovery House and what measures can be taken to protect the residents of Marlboro Township. Mayor Scannapieco also addressed the issue, stating that he was hopeful that Monday night's meeting will help shed some light as to what is going on, especially what security provisions are in place for Discovery House. He voiced his concern about not being notified when the escape took place. Senator Bennett's office had expressed support in helping to determine what took place the day of the incident. Council President Broderick stated that it had been brought to his attention that there might be a Court Order which mandates that a specific number of officers be on duty at any given time at the hospital, and that hospital officials are willfully violating that Court Order on a daily basis and that they have reduced the number of officers without permission of the Court. If this information is verified and a violation is determined, he will ask Mayor and Council, through the office of the Township Attorney, to take whatever action is appropriate to deal with this situation. Councilman Metzger remarked that this year we have been fortunate not to have snow. Councilman Friedman asked that Council President Broderick forward information on the hospital security meeting to Council. He also asked if Council would consider a reaffirmation of their previous position, against the closing of Marlboro Hospital. Council President Broderick stated that the Mayor's Task Force had discussed the feasibility of sending out a survey to determine the position of the residents of Marlboro on the possible closing of the hospital. He asked that Council wait until the Mayor has decided whether to go forward on this mailing, to which Councilman Friedman agreed.

Citizen's Voice - Sgt. Bruce Hall - spoke for the FOP, asking that Council consider granting retirement health benefits to their unit, as well as non-aligned employees.

Council Vice President Colarusso moved that the minutes of Nov. 22, Dec. 1 and Dec. 15 be approved. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #5-95/Ordinance #1-95 (Creating R-60/15 Residential District) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger. Discussion followed, during which Councilman Friedman thanked Mr. Spalliero for meeting his escrow obligation on Woodcliff and Valley Brook developments, with Rosewood still remaining. He was assured by the developer that this obligation will be satisfied prior to Second Reading of this ordinance. After discussion, Res. #5-95/Ord. #1-95 was passed on a roll call vote of 4 - 1 in favor, with Councilman Friedman voting no.

RESOLUTION # 5-95

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

ORDINANCE # 1-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO SO AS TO PROVIDE FOR A ZONE DISTRICT TO BE KNOWN AS THE R-60/15 "RESIDENTIAL DISTRICT"

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 23, 1995 at 7:30 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 # 1-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO SO AS TO PROVIDE FOR A ZONE DISTRICT TO BE KNOWN AS THE R-60/15 "RESIDENTIAL DISTRICT"

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. That Chapter 84 of the Code of the Township of Marlboro be amended and supplemented to provide for a Section 84.40.2 entitled "R-60/15 Residential District" and which shall read as follows:

"84:40.2 R-60/15 Residential District:

The following regulations shall apply in the R-60/15 District:

A. Permitted uses.

(1) Single-family dwellings in a cluster development as defined in Subsection 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 Subsection A(6) are complied with.

(2) Single-family dwellings in a noncluster development as defined in Subsection A(5) of this section, whether or not the tract of land in question meets the minimum size requirements provided in such subsection.

(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 # 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 twentyfive (25) acres.
- (b) The maximum number of residential building lots for each cluster development shall be computed on the basis on one (1.0) lot per gross acre (1.0 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 not included in lots 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.
- (d) The minimum lot requirements for a cluster development shall be:
  1. Lot side: fifteen thousand (15,000) square feet.
  2. Street frontage: one hundred (100) feet for interior

lots and one hundred twenty-five (125) feet for corner lots.

3. Lot width: one hundred (100) feet for interior lots and one hundred twenty-five (125) feet for corner lots.
4. Lot depth: one hundred fifty (150) feet.
5. Principal building front yard: Thirty (30) feet.
6. Principal building side yard: ten (10) feet; accessory building or structure: ten (10) feet.
7. Principal building rear yard: twenty (20) feet; accessory building or structure: ten (10) feet.
8. Maximum building height shall be thirty-five (35) feet for principal building and fifteen (15) feet for accessory building.
9. Maximum percentage of lot coverage shall be thirty-two percent (32%).
10. Minimum gross floor area shall be one thousand five hundred (1,500) square feet.
11. Minimum ground floor area shall be one thousand (1,000) square feet.
- (5) If a tract of land fails to meet the minimum size requirements for a cluster development as described in Subsection A(4)(a) of this section, the minimum lot requirements shall be those of the R-60 Residential District with a maximum allowable density of fifty-eight hundredths (0.58) lot per gross acre.
- (6) For cluster development in the R-60/ 15 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 ( $1/2$  of 1 %) of the equalized assessed value on the number of units that could be realized in accordance with R-60 Residential District density requirements (fifty-eight hundredths 0.58 lot per gross acre) and one and one-half percent ( $1\ 1/2$  %) of the equalized assessed value on the incremental units over and above fifty-eight hundredths (0.58) lot per gross acre obtained through conformance with R-60/15 cluster criteria.

**Permitted accessory uses.**

- i
- (1) Private garages designed to accommodate three (3) cars or fewer.
  - (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."**
2. That Subsection 29(A) of Chapter 84 of the Code of the Township of Marlboro entitled "Land Use Development" be amended and supplemented to add the following district:  
"R-60/15 Residential District"
  3. This ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #24-94/Ordinance #5-95 (Amending Zoning Map R-60/15 Residential District) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor, with Councilman Friedman voting no.

RESOLUTION # 24-95

BE IT RESOLVED by the Township Council of the Township of

Marlboro that an ordinance entitled:

ORDINANCE # 5-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "LAND USE DEVELOPMENT" SO AS TO AMEND THE ZONING MAP OF 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 February 23, 1995 at 7:30 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 # 5-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "LAND USE DEVELOPMENT" SO AS TO AMEND THE ZONING MAP OF THE TOWNSHIP OF MARLBORO.

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

1. That Subsection 84-29 (B) of Chapter 84 entitled "Land Use Development" of the Code of the Township of Marlboro be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised to delete premises designated as Block 143, Lot 28 on the Tax Map of the Township of Marlboro from the R-60 Residential District and so as to include said tax lot in the R-60/15 Residential District.

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

The following Resolution #25-95/Ord. #6-95 (Amending Chapter 5 - Development Fees) was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick and passed on a roll call vote of 4 - 1 in favor, with Councilman Friedman voting no.

RESOLUTION # 25-95

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

ORDINANCE # 6-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE II ENTITLED "DEVELOPMENT FEES" OF CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "AFFORDABLE HOUSING"

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 23, 1995 at 7:30 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 # 6-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE II ENTITLED "DEVELOPMENT FEES" OF CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "AFFORDABLE HOUSING"

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

1. That Section entitled "Residential Development Fees" of Article II entitled "Development Fees" of Chapter 5 entitled "Affordable Housing" of the Code of the Township of Marlboro be amended and supplemented to add a subsection b. which shall read as follows:

"b. R-60/15 Residential District

Within the R-60/15 Residential District, a density bonus has been permitted for the cluster development option provided for in such residential district. Residential developers within that residential district 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. Under the cluster development option in the R-60/15 Residential District, a maximum density of one (1.0) lot per gross acre is permitted as a density bonus. In non-cluster developments, the maximum density in such residential district is fifty-eight hundredths (0.58) lot per gross acre. (The density bonus equals a net of forty-two hundredths (0.42) lot per gross acre.)"

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.

The following Resolution #6-95/Ordinance #2-95 (Speed Limit on Council Drive and Stonehendge Drive - 15 MPH) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 6-95

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

ORDINANCE # 2-95

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 February 23, 1995 at 7:30 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 # 2-95

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 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish speed limits for both directions of traffic along Council Drive and Stonehendge Drive as follows:

Name of Street	Speed Limit (M.P.H.)	Location
Council Drive	15	Entire length
Stonehendge Drive	15	Entire length

2. Regulatory and warning signs, conforming to the current Manual on Uniform Traffic 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.

The following Resolution #7-95/Ordinance #3-95 (Amending 1994 Salary Ordinance) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 7-95

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

ORDINANCE # 3-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SCHEDULE "A" OF ORDINANCE # 22-94, FIXING THE SALARIES  
OF THE OFFICERS AND EMPLOYEES OF THE  
TOWNSHIP OF MARLBORO 1994

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 23, 1995 at 7:30 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 # 3-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
SCHEDULE "A" OF ORDINANCE # 22-94, FIXING THE SALARIES  
OF THE OFFICERS AND EMPLOYEES OF THE  
TOWNSHIP OF MARLBORO 1994

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

1. Schedule "A" of Ordinance # 22-94 of the Township of Marlboro is hereby amended and supplemented as follows:

**TOWNSHIP OF MARLBORO  
1994 SALARY ORDINANCE**

TITLE

DELETE

ADD

Deputy Municipal Clerk (\$45,150) \$46,000

2. All other provisions of the aforementioned Ord. #22-94 shall remain in full force and effect until further action of the governing body.

3. All other ordinances or parts of ordinances inconsistent herewith or in conflict with this ordinance are hereby repealed.

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

The following Resolution #8-95/Ordinance #4-95 (Amending Various Sections Chapter 132, Swimming Pool Facility) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 8-95

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

ORDINANCE # 4-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 132, ENTITLED  
"SWIMMING POOL FACILITY, MUNICIPAL" 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 23, 1995 at 7:30 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 # 4-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 132, ENTITLED  
"SWIMMING POOL FACILITY MUNICIPAL,, 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 132-4, "Membership Fees," of the "Code of the Township

of Marlboro, New Jersey" is hereby amended and supplemented as follows (additions are underlined; deletions appear in strikeout):

G. There shall be a fee for swim lessons, ~~for each session of twelve (12) lessons~~, which fee shall be established by Resolution of the Township Council on an annual basis.

J. There shall be a fee for swim team, which shall be established by Resolution of the Township Council on an annual basis.

2. Section 132-16, "Facility Use by Outside Organizations," of Chapter 132 of the "Code of the Township of Marlboro, New Jersey" is hereby established as follows:

**Section 132-16. Facility use by outside organizations.**

Use of the facility by a competitive swim team or by any other outside organization will be subject to approval by the Swim Division. Upon attaining such approval, the competitive swim team or outside organization shall be subject to a fee which shall be established by Resolution of the Township Council on an annual basis.

3. Section 132-17 "Granting of Scholarships," of Chapter 132 of the "Code of the Township, of Marlboro, New Jersey" is hereby established as follows:

**Section 132-17. Granting of scholarships.**

Upon application, the Division of Welfare may, after investigation, grant a scholarship for membership or for any program conducted by the swim facility subject to the following limitations:

A. A membership shall not be eligible for scholarship assistance for more than three (3) consecutive seasons.

B. The Swim Division shall issue no more than ten (10) membership scholarships each season.

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 Resolution #9-95 (Appointing MTMUA Commissioner - Henry Williams - 5 year term) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 9-95RESOLUTION APPOINTING MARLBORO TOWNSHIP MUNICIPAL  
UTILITIES AUTHORITY MEMBER

WHEREAS, the Marlboro Township Municipal Utilities Authority was created pursuant to N.J.S.A. 40: 14B-4 and Section 36-1 of the "Code of the Township of Marlboro, New Jersey" which provides that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint Henry Williams to serve for a full term.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby appoints Henry Williams to serve as a member of the Marlboro Township Municipal Utilities Authority for a full term, effective as of February 1, 1995.

The following Resolution #10-95 (Person to Person and Place to Place Transfer - Countryside Builders) was introduced by reference, offered by Council Vice President Colarusso and seconded by Council President Friedman. Township Attorney John Bennett suggested that Council amend the resolutions to include the location for the place to place transfer. As there was no objection, the Clerk was asked to cast one ballot on the resolution as amended.

RESOLUTION # 10-95RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL  
APPROVING PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER  
TO PRCL #1328-33-015-008

WHEREAS, the Mayor and Township Council of the Township of Marlboro are in receipt of an application for the person-to-person transfer of PRCL #1328-33-015-008 from Countryside Developers, Inc., to H2O Grain, Inc.; and

WHEREAS, said application also includes an application for a place to place transfer to transfer the current pocket license previously held by Countryside Builders, Inc. to transfer said application to the premises located at 420 Route 9.

WHEREAS, said location has been approved by the appropriate Boards and Agencies of the Township for the purposes of conducting business at this location.

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

1. The person-to-person transfer application of PRCL

#1328-33-015-008 from Countryside Developers, Inc., to H20 Grain, Inc. is hereby approved.

2. The place-to-place transfer application from a pocket license to 420 Route 9 is hereby approved.

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

- a. H 2 0 Grain, Inc. c/o Domenica Spalliero
- b. Township of Marlboro, Division of Police
- c. N. J. Division of Alcoholic Beverage Control
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot: Res. # 11-95 (Bond Reduction Woods At Marlboro - Section 2), Res. # 12-95 (Bond Release Marlboro Chrysler Plymouth), Res. # 13-95 (Raffle License Upper Room Spiritual Center), and Res. #14-95 (Raffle License Marlboro Little League).

RESOLUTION # 11-95

RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE BOND -  
WOODS AT MARLBORO, SECTION 2

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a development known as Woods at Marlboro Section 2; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the attached report from Schoor & DePalma, Inc., the engineers in charge of inspections for this development, dated December 21, 1994, as well as the attached report from Dean Staknys, P.E., Municipal Engineer, dated December 29, 1994; and \*SEE ATTACHED

WHEREAS, the Mayor and Township Council of the Township of Marlboro now wish to take the following action regarding the above Performance Bond.

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 Woods at Marlboro, Section 2, in the original amount of \$849,577.00, shall be reduced by \$476,706.00, representing a 56.1% reduction, so that the amount to remain shall be \$372,871.00.

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

2. That the Cash Bond for a development known as Woods at Marlboro, Section 2, in the original amount of \$94,397.00, shall be reduced by \$52,967.00, representing a 56.1% reduction, so that the amount to remain shall be \$41,430.00.

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

- a. K. Hovnanian at Marlboro Township, Inc.  
(Attention: Daniel Murphy, Esq.)
- b. Fireman's Fund Insurance Company
- c. Stewart Alexander, P.E.  
Schoor & DePalma, Inc.  
200 State Highway Nine, P.O. Box 1149  
Manalapan, New Jersey 07751
- e. Township Engineer

RESOLUTION # 12-95

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND -  
MARLBORO CHRYSLER PLYMOUTH c/o GARY KOCH

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Bond from Marlboro Chrysler Plymouth c/o Gary Koch; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated December 9, 1994, which recommends the release; 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 for Marlboro Chrysler Plymouth c/o Gary Koch, in the present amount of \$4,121.00, shall be reduced to zero and released.

2. That this release is conditioned upon the following:

- (a) The posting of a maintenance bond in a form acceptable to the Township in the amount of \$1,563.00.

\*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. Marlboro Chrysler Plymouth, Inc. c/o Gary Koch
- b. Chrysler Insurance Company
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 13-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 4-95 be and it is hereby granted to The Upper Room Spiritual Center.

BE IT FURTHER RESOLVED that said Raffle will be held on May 7, 1995 at 7:30 PM at Hanaway Farm, Route 79, Morganville, N.J. 07751.

RESOLUTION # 14-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 5-95 be and it is hereby granted to Marlboro Little League.

BE IT FURTHER RESOLVED that said Raffle will be held on May 22, 1995 at 1 PM at the Little League Complex, Tennent Road, Morganville, N.J. 07751.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot: Res. #15-95 (Veteran Deduction - Block 184, Lot 81 - Emerald Drive), Res. #16-95 (Overpayments of Fourth Quarter Taxes - Various) and Res. # 17-95 (Redemption of Tax Sale Certificates).

RESOLUTION # 15-95

WHEREAS, a Veteran deduction in the amount of \$50.00 has been granted for the year 1994 on Block 184 Lot 81, located at 21 Emerald Drive assessed to John & Dorothy Gutman,

WHEREAS, taxes for the year 1994 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 # 16-95

WHEREAS, the attached list in the amount of \$1,836.69, known as Schedule "A", is comprised of amounts representing duplicate payments for 1994 fourth quarter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$1,836.69 to the respective taxpayers.

## SCHEDULE "A"

BLOCK	ASSESSED OWNER	AMOUNT
176            7 C0408 408 Indigo Court	Burton A. & Jacqueline F. Eisen	614.55
376            17 (117 Peasley Dr.) (New Owners)	Norman & Marilyn Rudow c/o Andrew M. Newman, Esq.	1,222.14
TOTAL -----		\$1,836.69

RESOLUTION # 17-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$151,224.80 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 \$151,224.80 be refunded to the certificate holders as per Schedule "A".

## SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
89-17 Rte. 520	157/8 & 157/8 QFARM	Sheila Brodsky & Morton Salkind	\$19,831.37
90-10 Rte. 520	157/8 & 157/8 QFARM	Sheila Brodsky & Morton Salkind	20,818.66
91-27 Cannonade Drive West	404/26	Fred Niemann	33,583.31
92-14 Yorkshire Drive	141/6	Betty Simon, Trustee L.L.C.	35,480.90

93-17	146/20	Betty Simon, Trustee L.L.C.	17,969.25
Falson Lane			
93-32	168/2	LBM-Corfacts	12,133.04
Rte. 79			
94-6	118/32	Lawrence Kirsner	142.01
Poet Drive			
94-34	287/14	Funds of Florida	7,487.35
Dickinson Lane		Custodian for D.H. Associates	
94-41	392/24	American Bankers Life	3,778.91
Ryan Road		Assurance Co. of Florida	
Total -----			51,224.80

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot: Res. #18-95 (Authorizing Contracts for Consulting Engineers - 1995), Res. #19-95 (Authorizing Professional Service Contract - Schoor De Palma), Res. #20-95 (Authorizing Professional Service Contract - Buchalski, Reynolds & Brodowski) and Res. #21-95 (Authorizing Change Order - Rec. Center).

RESOLUTION # 18-95

RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO  
PROFESSIONAL ENGINEERING SERVICE CONTRACTS FOR 1995

WHEREAS there exists a need for professional engineering services to be performed on behalf of the Township of Marlboro in connection with inspections and other services as directed by the Township Engineer for the year 1995; and

WHEREAS, the following five (5) engineering firms have served in this capacity for the Township during the immediately preceding year: Crest Engineering; Palmieri Engineering Company, Inc.; Maser Sosinski & Associates; Schoor & DePalma, Inc.; and T & M Associates; and

WHEREAS, the Township would like to extend the inspection contracts for these five (5) consulting engineering firms for the year 1995; and

WHEREAS, the Township would additionally like to enter into a similar contract with Harbor Consultants for the year 1995; and

WHEREAS, the provisions of the 1995 contracts shall be identical with the terms and conditions of the 1994 contracts, including the hourly rate of \$45.00 per hour, as indicated in the attached agreements; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11 -1, et seq., authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, sufficient funds are available in budgets heretofore or hereafter adopted to provide for the required engineering services, and all necessary encumbrances have or will be made by the Township Chief Financial Officer.

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest Agreements between the Township of Marlboro and the following engineering firms, who are hereby retained to perform inspection services and such other services as directed by the Township Engineer:

- a. Crest Engineering
- b. Palmieri Engineering Company, Inc.
- c. Maser Sosinski & Associates
- d. Schoor & DePalma, Inc.
- e. T & M Associates
- f. Harbor Consultants

2. The terms and conditions of the 1995 contracts shall be as indicated in the attached agreements, including the hourly rate of \$45.00 per hour.

3. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

4. The Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution.

5. Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. 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. Township Engineer
- d. Crest Engineering
- e. Palmieri Engineering Company, Inc.
- f. Maser Sosinski & Associates
- g. Schoor & DePalma, Inc.
- h. T & M Associates
- i. Harbor Consultants
- j. Township Attorney

RESOLUTION # 19-95

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL  
ENGINEERING SERVICES OF SCHOOR & DEPALMA, INC.

WHEREAS, there exists a need for professional engineering services for the projects specified in Section I of the attached Contract; and

WHEREAS, these services are beyond the scope of the services provided to the Township of Marlboro by agreement with the various consulting engineering firms; and

WHEREAS, the engineering firm of Schoor & DePalma, Inc., was retained by the Township to perform these services in 1994, and

WHEREAS, Schoor & DePalma, Inc., has submitted an identical proposal to undertake said work for 1995 as outlined in the attached contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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

1. That the Mayor is hereby authorized to execute and the Township Clerk to attest the attached Agreement between the Township of Marlboro and Schoor & DePalma, Inc. for the desired engineering services as outlined in the said Agreement.

2. That there shall be a cap as to the total expenditure authorized under this contract at \$3,500.00 without further approval of the Township Council.

3. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A: 11-5 (1)a (i) of the Local Public Contracts Law of New Jersey.

4. The Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution.

5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That 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. Robert Albertson, Business Administrator
- d. Township Engineer
- e. Township Attorney

RESOLUTION # 20-95

RESOLUTION AUTHORIZING THE PROFESSIONAL APPRAISAL SERVICES OF BUCHALSKI, REYNOLDS & BRODOWSKI

WHEREAS, there exists a need for the services of a professional appraiser in order to provide valuation and consulting services to assist the Township of Marlboro in the defense of certain litigation matters which are scheduled for trial before the Tax Court of New Jersey on February 14, 1995; and

WHEREAS, these cases concern a challenge to the tax assessments of five (5) separate commercial centers located within the Township; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq., authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Attorney and Tax Assessor have recommended that the Township obtain the necessary appraisal services from the firm of Buchalski, Reynolds & Brodowski.

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest the attached Agreement between the Township of Marlboro and Buchalski, Reynolds & Brodowski in connection with the above litigation matters, which are more specifically described in the Agreement.
2. That Buchalski, Reynolds & Brodowski are hereby authorized to prepare the necessary appraisal reports for a maximum total fee of \$19,950.00, exclusive of settlement meetings and court testimony.
3. That the appraiser(s) are hereby further authorized to provide court testimony and participate in settlement meetings at the additional hourly rate(s) specified in the attached Agreement, with a cap as to expenditure in this regard not to exceed \$2,000.00 without further authorization from the Township Council.
4. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A: 11-5(1)(a)(i) of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
5. That the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution.
6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.
7. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Sheila Fishkin, Chief Financial Officer

- b. Michael R. Buchalski, MAI, ASA, CTA  
400 West Main Street, Freehold, New Jersey 07728
- c. Township Tax Assessor
- d. Township Attorney

RESOLUTION # 21-95

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE  
AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND  
PCM CONSTRUCTION CORP. OF NEW JERSEY REGARDING  
CONSTRUCTION OF RECREATION CENTER

WHEREAS, due to weather conditions, failure of performance by sub.contractors and/or other reasons, completion of the Marlboro Recreation Center has been delayed; and

WHEREAS, as a result, the Township of Marlboro and PCM Construction Corp. of New Jersey wish to amend the contract covering the construction of the Recreation Center in accordance with the terms specified in the attached Change Order.

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 Change Order which shall be considered an amendment to the original contract between the Township of Marlboro and PCM Construction Corp. of New Jersey regarding construction of the Marlboro Township Recreation Center.

2. That 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. PCM Construction Corp. of New Jersey  
1358 Hooper Avenue, Suite 259  
Toms River, New Jersey 08753
- d. Township Attorney

Res. #22-95 (Authorizing Professional Service Contract - Auditor) was carried to the next meeting, as the necessary contract and resolution had not been prepared.

Council discussed Res. #23-95 (Granting Retiree Health Benefits to Non-aligned Employees) in executive session, as it involves contract negotiations and personnel.

Public Session - There was no one who wished to speak.

Council then took a 30-minute recess.

At 9:00 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing contract negotiations, personnel and litigation. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 26th day of January, 1995 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, specifically contract negotiations, 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 one hour. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Council may take action following the executive session.

At 10:30 PM, Councilman Friedman moved that the meeting be opened. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:31 PM, Councilwoman Marcus 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: February 23, 1995

OFFERED BY: Colarusso

AYES: 4

SECONDED BY: Metzger

NAYS: 0

ABSENT: Friedman

*Evelyn D. Piccolini*

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Thomas E. Broderick*

THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

February 9, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on February 9, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Deputy Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilwoman Marcus, Councilman Metzger, Councilman Friedman and Council President Broderick.

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

Council discussed Item 7 (Council Liaisons - Duties and Functions). The following liaisons were present: Larry Goldberg - Marlboro Township Board of Education; Doreen Finnell - Freehold Regional Board of Education; Irving Shomer - Monmouth County Board of Chosen Freeholders; William Botwinick - Monmouth County Planning Board; Gerald Kaden - Swim Pool Division; and Elio Di Cosmo - Marlboro Township Zoning Board. Council President Broderick greeted each liaison and thanked them for volunteering their time to perform this valuable service. He explained that the position of liaison is to be the "eyes and ears" of the Council, and to provide such information to the Council either through a written report or by telephone. He stated that the liaison position is one of an observer, and the liaison does not represent or speak for the Council. Mayor Scannapieco also thanked them for volunteering their time in this capacity, which was reiterated by each member of Council. Council President Broderick stated that he had received a letter of resignation from the liaison of the WMUA, and Council will be discussing a replacement in the near future. Council President Broderick expressed Council's desire to maintain a dialogue with the liaisons, and invited them to call at any time when issues surface that Council should be made aware of.

Council then discussed Item 8 (Recognition for Eagle Scouts). Council President Broderick stated that he had attended an

Eagle Scout ceremony for George Schultzel, III, of Troop 86 on Sunday, February 5, 1995. He was quite impressed with this achievement and suggested that Council recognize this accomplishment by honoring Eagle Scouts by resolution. Both Mayor and Council were in agreement, and will invite all the Eagle Scouts to a Council meeting sometime in the spring. Business Administrator Bob Albertson commended this troop for the wonderful work they did on cleaning and beautifying several small parks in the community. The Mayor commended Ed Smith and David Birnbaum, who were in the audience, for helping this troop with their projects.

The following Resolution #24-95/Ordinance #7-95 (Permitting Township to Exceed CAP Index Rate) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 24-95

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

ORDINANCE # 7-95

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 Feb. 23, 1995 at 7:30 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 # 7-95

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 1995 has been certified by the Director of the Division of Local Government Service in the Department of Community Affairs as 2.5%; and

WHEREAS, the Council of the Township of Marlboro in the County of Monmouth finds it advisable and necessary to increase its 1995 budget by more than 2.5% 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 2.5% increase in the budget for said year, amounting to \$294,867.29 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 1995 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 2.5%, amounting to \$294,867.29, for a total budget increase of 5% over the previous year, and that the 1995 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.

The following Resolutions #25A-95 (Manalapan and Marlboro Rotary Club) and #26-95 (Raffle License Dover Township Junior Women's Club) were introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 25A-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 6-95 be and it is hereby granted to Manalapan and Marlboro Rotary Club.

BE IT FURTHER RESOLVED that said Raffle will be held on April 24, 1995 at 4:00PM at United Jersey Bank, 6 S. Main St., Marlboro, N. J. 07746.

RESOLUTION # 26-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 7-95 be and it is hereby granted to Dover Twp. Jr. Women's Club.

BE IT FURTHER RESOLVED that said Raffle will be held on March 15, 1995 at 8:00 PM at World Cup Gymnastics, Timber Lane, Marlboro, N. J. 07746.

The following Resolution #27-95 (Authorizing Additional Funds for Davison Eastman & Munoz) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 27-95

RESOLUTION AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FOR THE PROFESSIONAL LEGAL SERVICES OF LOMURRO DAVISON EASTMAN & MUNOZ, ESQUIRES

WHEREAS, on June 30, 1994, the Township Council passed Resolution No. 207-94, authorizing the Township to enter into a professional service contract with Lomurro Davison Eastman & Munoz, Esquires, to serve as Special Counsel to the Township of Marlboro in a matter known as the Marlboro Township In Rem Tax Foreclosure; and

WHEREAS, due to the volume of work associated with the In Rem Tax Foreclosure action, the full amount of authorized funds per Resolution No. 207-94 (as increased by Resolution No. 253-94 to \$15,000.00) have been expended; and

WHEREAS, the Township Council now wishes to authorize the expenditure of additional funds for this contract so that the matter can be concluded without further council action.

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

1. That the cap as to expenditure on the professional service contract between the Township of Marlboro and Lomurro Davison Eastman & Munoz, Esquires for the services listed above is hereby increased by an additional \$15,000.00 from this point forward.
2. That further approval of the Township Council shall be required for any expenditures which exceed this new amount.
3. That the remainder of Resolution Nos. 207-94 and 253-94 shall remain in full force and effect.

Regarding Item 5 (Res. #22-95 - Authorizing Professional Service Contract - Hutchins et al - Auditor), this was tabled to the Feb. 23 meeting, as the necessary documents had not yet been received.

The following items were carried to the February 23 agenda: Item 11 (First Reading/Retaining Wall Specifications), Item 12 (Bond Release Marlboro Montessori), Item 13 (Bond Release - The Ville), Item 14 (Triangle Estates), and Item 15 (Bond Reduction - Wyncrest Manor), Item 17 (Swim Division Changes), Item 19 (Tax Collector Resolutions and Item 20 (Correction and/or Approval of Minutes: Jan. 9 & Jan. 26, 1995)). The consulting engineer had requested that Item 16 (Bond Reduction - Calton/Regency Homes Section 1 & 2) not be carried for action at this time, and be placed on the March 9 agenda for action.

Item 9 (Res./Ord. - Rezoning - Michael Weitz Concept) was moved to the February 23 agenda for First Reading. Mr. Weitz was commended for his generosity, as he had informed the Mayor that he is ready to deed a 25-acre parcel to the township even before he receives preliminary approval. Council President Broderick asked that Dr. Foley, Superintendent of Schools, be notified that Council will take action on this matter at their next meeting.

Council took action on Item 10 (Granting Easement NJDEPE - Remediation of Burnt Fly Bog). The following Resolution #28-95/ #Ord. #8-95 was introduced by reference, offered by Councilman Metzger, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 28-95

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

ORDINANCE # 8-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO CONVEY A TEMPORARY EASEMENT OVER BLOCK 146, LOT 47 (INTERSECTION OF TEXAS AND SPRING VALLEY ROADS) TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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. 23, 1995 at 7:30 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 # 8-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO CONVEY A TEMPORARY EASEMENT OVER BLOCK 146, LOT 47 (INTERSECTION OF TEXAS AND SPRING VALLEY ROADS) TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that the area known as Burnt Fly Bog has long been a contaminated site; and

WHEREAS, the Township has been notified by the State of New Jersey that the Department of Environmental Protection (N.J.D.E.P.) is preparing to commence a remediation project in order to facilitate the cleanup of Burnt Fly Bog; and

WHEREAS, in order for the said remediation project to proceed, it is necessary for the Township to convey an temporary easement over a Township owned parcel of land to the N.J.D.E.P., pursuant to N.J.S.A. 40A: 12-14 (b), so as to permit the State to conduct the necessary activities in the area.

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 (1) an Agreement for the Purchase of a temporary Easement and (2) a Deed of Temporary Easement (copies of which are on file at the Township Clerk's office), which authorize the Township of Marlboro to convey an easement upon and across a portion of Block 146, Lot 47 (intersection of Texas and Spring Valley Roads) on the Tax Map of the Township of Marlboro to the N.J.D.E.P. in order to facilitate remediation activities at the Burnt Fly Bog Site.
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.

Good & Welfare - Council President Broderick brought up the memorandum from the Planning Board endorsing the recommendations contained in the Dec. 7, 1994 memorandum from Joseph Layton which was submitted to Council on the proposed uses for the Hospital Zone. After discussion, Council moved this ordinance to the Feb. 23 agenda for First Reading. Mayor Scannapieco announced that the township had received a plaque from the Joint Insurance Fund recognizing a decrease in accidents. Mr. Albertson commended the Safety Committee, chaired by Bobby Miller, for this achievement. Council President Broderick asked that Mr. Albertson submit a memo with the names of the committee to Council so that

Council may adopt a resolution honoring them.

Council then discussed Item 6 (Granting Retiree Health Benefits Non-aligned Employees). Council reviewed each item in the resolution and made changes as follows: Item 5 will state that if an employee and spouse are covered elsewhere for health benefits and such benefits cease before the employee reaches age 65, the employee and spouse would be covered; Item 10 will have the date of Dec. 31, 1996 filled in, and the cost will be shared equally between the employee and the township. After further discussion, Res. #23-95 as amended was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 23-95

RESOLUTION ESTABLISHING ELIGIBILITY CRITERIA FOR RETIREE HEALTH BENEFITS FOR CERTAIN TOWNSHIP EMPLOYEES

WHEREAS, municipalities are empowered to provide retiree health benefits to its long term employees pursuant to N.J.S.A.40A:10-23 who meet certain age and service criteria set forth therein; and

WHEREAS, the Township previously attempted to provide retiree health benefits to employees who did not meet the age and service criteria set forth in N.J.S.A. 40A: 10-23; and

WHEREAS, said resolution is, therefore, void with respect to establishing retiree health benefits for employees other than those who retired pursuant to Chapter 229 of the laws of 1991; and

WHEREAS, recent history has demonstrated that the cost of providing such benefits has increased dramatically and the cost and the law pertaining to such benefits continues to be uncertain and unstable; and

WHEREAS the Township of Marlboro nevertheless wishes to provide retiree health benefits to its most long term employees as set forth herein; and

WHEREAS, such long term employee and their spouse may not be able to obtain health benefits independently; and

WHEREAS, retiree health benefits are a mandatorily negotiable item preventing the Township from unilaterally granting such benefits to union employees without prior negotiations.

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

1. That it does hereby establish retiree health benefits for nonunion employees who meet one of the following criteria:

- a. The employee has been employed by the township of Marlboro for at least thirty (30) years on the date of his/her resignation or retirement and reached the age of at least fifty-nine (59) provided that an employee's age requirement may be reduced one (1) year for each year of service in excess of thirty (30), (e.g., if the employee has provided 32 years of service to the Township he will be eligible for benefits upon reaching the age of 57); and
- b. The employee has been employed by the Township of Marlboro for at least seventeen (17) years on the date of his/her resignation or retirement and reached the age of at least sixty-two (62).

2. The Township will provide the health benefit program set forth in the Individual Health Insurance Reform Act, N.J.S.A. 17B: 27-1 et seq., identified as "Plan D" with a \$1000.00 deductible as set forth in the document attached hereto, provided that an eligible employee shall be entitled reimbursement of up to \$500.00 toward said deductible.

3. Eligibility for such benefits is contingent upon the employee's resignation or retirement from employment with the Township of Marlboro in good standing.

4. That the Township's obligation to provide retiree health benefits for eligible employees shall cease when the employee is eligible for medicare, or any other health benefit program or at age 65 whichever comes first; and

5. That retiree health coverage is limited to the employee who meets the age and service requirements set forth above and their spouse, provided that they are not otherwise eligible for health benefits elsewhere except that if such others coverage becomes no longer available at any time prior to the employee reaching the age of 65, then they shall be eligible for the health coverage that they would have otherwise received at the time of their separation from service; and

6. That nothing contained herein shall be interpreted to require the Township to provide any specific level of health benefits or prevent the Township from changing the provider of such benefits; and

7. That this Resolution shall supersede any and all prior Resolutions, specifically including Resolution No. 263-91, that are inconsistent herewith; and

8. That this Resolution is subject to changes in state and federal laws and insurance company underwriting; and

9. That the policy of providing such retiree health benefits shall automatically expire with respect to prospective retirees at midnight on December 31, 1997 unless otherwise affirmatively extended or modified by subsequent Resolution of the Township governing body; and

10. Any increase in the cost of providing these benefits after December 31, 1996 shall be borne equally by the employee (and/or his spouse) and the Township; and

11. Nothing in this Resolution shall be construed as offering a retirement incentive or requiring or encouraging an employee's retirement. In the event this Resolution is so construed by a Court or agency of competent jurisdiction, this Resolution shall be completely null and void; and

12. Any retiree health benefits for employees who are members of a Collective Bargaining Unit shall be governed by the applicable Collective Bargaining Agreement; and

13. This Resolution shall be completely null and void in the event that the benefits provided herein are extended beyond intent expressed in this Resolution; and

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

- a. Sheila Fishkin, Chief Financial Officer
- b. Township Attorney

At 9:15 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 23, 1995

OFFERED BY: Friedman

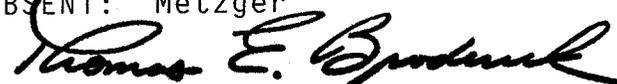
AYES: 4

SECONDED BY: Colarusso

NAYS: 0

ABSENT: Metzger

  
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 ALIDA DE GAETA  
 DEPUTY MUNICIPAL CLERK

  
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 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

February 23, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on February 23, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; 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 Colarusso, Councilwoman Marcus, Councilman Metzger and Council President Broderick. Councilman Friedman was absent.

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

Council President Broderick expressed Council's condolences to Peggy Gamza on the death of her mother, and observed a moment of silence in her memory.

Administrative Report - Report will be given later in the meeting, as the Mayor was attending the high school football dinner.

Council Speaks Out - Council President Broderick brought to Council's attention the loan and grant program for contaminated site remediation and asked that the Business Administrator proceed with the grant applications. Council President Broderick commended the Board of Education for sending Council their "Referendum Update" and the "Synopsis for the Staff". He directed the Deputy Clerk to send a letter thanking them. He stated that he had attended the Feb. 16 hearing of the Manalapan Zoning Board on the Gordons Corner Water Variance Application and was pleased that attendance was high from both Marlboro and Manalapan residents. Marlboro Township was represented by Joseph Foster, Esq. who indicated that none of the testimony put forth by the Gordons Corner Water Co. was related to finding an alternative site, and this failure to pursue an alternative site was in his opinion "unconscionable". Council President Broderick announced that the next scheduled meeting will be March 16th at 7 PM at Manalapan Town Hall. He also announced that he and the Mayor had

met with the CEO of Discovery House and the Director of New Hope to express their concern that during an eight-day period an inmate of the camp, a hospital patient, a New Hope resident and a Discovery House resident had walked away from those establishments. As a result of the meeting, new policies and procedures will be in effect shortly that will screen persons more closely. Further talks will be held, also about the possibility of the township being reimbursed for expenses.

Citizen's Voice - Gail Becker - Vice President of the Marlboro Board of Education - thanked Mayor and Council for their kind words and for their time and effort on the school land acquisition issue. She asked how such land will then be acquired by the School Board. Township Attorney John Bennett responded that the attorneys will work out an agreement. Robert Tansey - 67 Tennent Road - stated that he had not been contacted about setting up a meeting with Little League officials to discuss the lights. Council President Broderick responded that a date will be set this evening and he will be contacted. He also stated that the playground equipment at the Morganville Park had been removed, and had heard rumors that it will now become a parking lot. Business Administrator Bob Albertson stated that the equipment had been removed because it did not meet the necessary safety specifications, and he will check when the new equipment will be installed. He asked if a "No Parking on Grass" sign can be posted in the park. Mr. Albertson will also check on this. Michael Blutstein - 11 Enclosure Drive - expressed his concern that there are no signs (stop signs and speed limit signs) in his development, as he is concerned for the safety of children. Mr. Albertson will check on this. He also asked about the refurbishing of the park in the back of his development, and the construction of a walkway to that park which the developer had promised to build. Council President Broderick stated he will speak to the developer and get back to Mr. Blutstein. Mr. Blutstein also discussed taxes and state subsidies.

Council Vice President Colarusso moved that the minutes of January 9 and 26, 1995 be approved. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

The following Resolution #29-95 (Congratulating Morganville Volunteer Fire Company on 80 Years of Service to the Community) was read by Councilman Metzger, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman. The award was presented to the Chief and several members of the Morganville Volunteer Fire Company. Council President Broderick expressed his congratulations on behalf of Mayor and Council.

RESOLUTION # 29-95**RESOLUTION CONGRATULATING THE MORGANVILLE VOLUNTEER  
FIRE COMPANY FOR 80 YEARS OF SERVICE TO THE COMMUNITY**

WHEREAS, the Mayor and Township Council are aware that the Morganville Volunteer Fire Company, which was incorporated on December 14, 1914, has provided service to the residents of our community for over 80 years; and

WHEREAS, during this time, the Fire Company has grown from a crew of 10 members who relied upon wheel carts, horses, pails and water barrels, to today's crew of approximately 28 active members and 4 junior members, including the first woman member who was accepted in 1985, with all of the necessary modern equipment; and

WHEREAS, the Mayor and Township Council realize that the Fire Company is composed entirely of volunteer members who have undergone extensive education and training in order to protect the health, safety and well are of the residents of the Township; and

WHEREAS, though at times their heroic deeds may be performed without notice or recognition, the Mayor and Township Council now wish to take this opportunity to recognize the hard work of the members of the Morganville Volunteer Fire Company and to congratulate the Fire Company for 80 years of dedicated service to the community.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that they hereby congratulate and thank the members of the Morganville Volunteer Fire Company for 80 years of dedicated service to the community.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Morganville Volunteer Fire Company and a copy shall be posted in a public place at the Municipal Complex so that all employees and visitors to the Township Hall may appreciate this special commendation.

The following Resolution #30-95 (Reaffirming Res. #308-94 - Expressing Vehement Opposition to Railroad Link through Marlboro) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 30-95**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF  
MARLBORO REAFFIRMING THEIR VEHEMENT OPPOSITION TO  
THE PROPOSED LAKEWOOD-MATAWAN RAILROAD LINE**

WHEREAS, the governing body of the Township of Marlboro has, over the years, repeatedly taken a strong position against construction of the rail line proposed by the New Jersey Department of Transportation to run between Lakewood and Matawan; and

WHEREAS, this position has been set forth in previous Resolutions of the Township, copies of which are attached hereto and made a part hereof; and

WHEREAS, the Mayor and Township Council continue to vehemently oppose construction of this rail link, which would run directly through Marlboro Township and negatively affect the health, safety and welfare of the residents of our community; and

WHEREAS, the Mayor and Township Council wish to express and reaffirm our strong feelings against construction of this proposed rail line.

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 hereby express and reaffirm our vehement opposition to the proposed rail line between Lakewood and Matawan, which would run directly through the Township of Marlboro.

2. That any studies presently being proposed or currently underway with respect to this line be immediately terminated and abandoned.

3. That a determination be made by the New Jersey Department of Transportation that the proposed rail line is inappropriate.

4. That certified copies of this Resolution shall be provided to all communities which would be impacted by the proposed Lakewood - Matawan rail line.

5. That certified copies of this Resolution shall additionally be provided to each of the following individuals or agencies:

- a. Governor Christine Todd Whitman
- b. United States Senator Frank R. Lautenberg
- c. United States Senator Bill Bradley
- d. Congressman Dick Zimmer
- e. New Jersey Senator John O. Bennett, III
- f. New Jersey Assemblywoman Clare M. Farragher

- g. New Jersey Assemblyman Michael J. Arnone
- h. Monmouth County Board of Chosen Freeholders
- i. New Jersey Department of Transportation

The following Resolutions/Ordinances were introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger: Res. #42-95/Ord. #12-95 (Amending Zoning Map and Section 84-41 - R/30 Residential District - Marlboro Heights Site), Res. #43-95/Ord. #13-95 (Amending Zoning Map and Section 84-42.1 - R/1.5 Residential District - Ken World Site) and Res. #44-95/Ord. #14-95 (Amending Zoning Map and Section 84-42.2 - R/10 Residential District - Crine Tennent Site). Discussion by Council followed. Peter Buchsbaum, Esq. was present, as well as Bill Schultz of Crest Engineering, both representing the developer, Michael Weitz. Mr. Buchsbaum explained the plan for each of the sites. Council President Broderick explained that presently the total number of units by Court Order is 229, and if these ordinances are adopted, the total number of units would be reduced by 72 units and there would be no construction of townhomes. Also, 42 Mount Laurel units would be transferred to another town. The developer will also donate a 28-acre parcel on Route 79 to the township for possible acquisition by the Board of Education. Sam Alfano - Planning Board Chairman - stated that there were several areas that must be addressed by the Planning Board before they could give their approval. Council agreed to proceed with first reading on these ordinances, and will amend such ordinances after Planning Board has done their review. Mr. Alfano also asked if a wetlands delineation had been done on the 28-acre parcel which may be acquired by the Board of Education, and Mr. Buchsbaum responded that 25 out of the 28 acres are usable. After further discussion, roll call vote was taken on Res. #42-95/Ord. #12-95, Res. #43-95/Ord. #13-95 and Res. #44-95/Ord. #14-95, which passed on a 3 - 0 vote in favor, with Council President Broderick abstaining. Absent: Friedman.

RESOLUTION # 42-95

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

ORDINANCE # 12-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND 84-41 (R-30 RESIDENTIAL 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 March 23, 1995 at 7:30 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 # 12-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND 84-41 (R-30 RESIDENTIAL DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

BE IT ORDAINED by the Mayor and Township Council of Township of Marlboro as follows:

1. The Zoning Map of the Township of Marlboro is hereby amended to rezone the following property so it shall now be included in the R-30 and R-30/20 Districts: Block 132, Lot 12.
2. Section 84-29 (Districts; Map and Boundaries; Schedule of Requirements) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (deletions appear in strikeout; additions are underlined);
  - A. To the list of districts in 84-29A, add "R-30/20 Residential District."
  - B. Zoning Map. The boundary of all zoning districts set forth in this chapter shall be shown on a map dated January 24, 1991, as amended, and entitled "Zoning Map of the Township of Marlboro." Such map is hereby made a part of this Chapter.
3. Section 84-41 (R-30 Residential District) is hereby amended to redesignate the heading as "R-30 and R-30/20 Residential Districts" and to supplement Sec. 84-41E by adding the following language to the end of Sec. 84-41E, as follows:
  - E. .... Where a developer proposes to donate at least 25 acres to the Township from its tract of land with at least 200" feet of street frontage on an existing street and with access to such street and where the developer proposes to make a contribution for a regional contribution agreement in an amount set forth in Court Order referenced in 84-29E, as the same may be amended from time to time, that development shall be entitled to develop according to the cluster provisions of the R-30/20 Residential District as well as the following bulk and other standards:

- (1) Maximum lot coverage shall be 32%.
- (2) Rear yard setback shall be 40 feet.
- (3) Sec. 84-35E, G, H, and I shall not apply.
- (4) Since the development of the zone represents a sealing down of development otherwise required by the Court Order dated December 24, 1985, as amended on June 5, 1990, and since such development is required by these Court Orders to be free of cost generative devices, no requirement for a contribution for detention or stormwater as set forth in Section 84-104R and Section 84-104X and Land Use Fee Schedule a Subsection dd, or any other contribution for infrastructure improvements contained in any ordinance adopted after December 24, 1985, the date of the initial Mount laurel II judgment incorporated in Section 84-29E, shall apply to any Mt. Laurel contribution development in the R-30/20 zone, nor shall Sections 84-104J (8) through (12) apply.
- (5) Location of Trees:  
  
In lieu of the requirements of 84-94D(8), the following shall apply:  
  
The number, location, species and diameter of nine inches or more at a height of twelve (12) inches from the base of planting within the street right-of-way or area of lot clearance shall be estimated using a methodology approved by the Planning Board Environmentalist.
- (6) The following standards shall also be inapplicable or revised as stated:
  - (a) The limitation to 10% grades within five (5) feet of a building in section 84-30D (24) (e) shall nor apply.
  - (b) 84-130A, shall apply except that a minimum 60' X 60' sight triangle shall be permitted where a stop sign is warranted.
  - (c) Notwithstanding 84-135D, chart 1, (i) the allowable minimum centerline radius for local streets shall be 200 feet and (ii) the allowable minimum vertical curve shall be designed based on a 25 mph speed limit for local streets and on a 35 mph speed limit for minor collectors.

(d) Notwithstanding 84-30C (3), the frontage shall be 60% of the width of the lot at the setback line.

(e) 84-104L (13) shall not apply.

4. The Developer shall be responsible for the payment of all legal, administrative and other costs associated with the re-zoning.

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

6. In the event that any portion, phase, or application of this ordinance is found to be void or unconstitutional the remainder of this ordinance shall be deemed severable only if the ordinance with such item excised, is still capable of carrying out the intent and purpose of this ordinance as initially enacted.

7. This ordinance shall not take effect until the following events have occurred:

- (1) Approval by the Superior Court of New Jersey, Law Division, which has retained jurisdiction over the Mount Laurel settlement dated December 24, 1985, as amended; and
- (2) Final passage and publication in accordance with the law of this ordinance and ordinances #13-95 and #14-95.
- (3) Filing with the Monmouth County Planning Board.

RESOLUTION # 43-95

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

ORDINANCE # 13-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND 84-42.1 (R-1.5 RESIDENTIAL 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 March 23, 1995 at 7:30 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 # 13-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND 84-42.1 (R-1.5 RESIDENTIAL DISTRICT) OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

BE IT ORDAINED by the Mayor and Township Council of the Township of Marlboro as follows:

1. The Zoning map of the Township of Marlboro is hereby amended to rezone the following properties so they shall now be included in the R-1.5 Zone: Block 193 Lots 54, and 54.01.

2. Section 84-29 (Districts; map and boundaries; Schedule of Requirements) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (deletions appear in strikeout; additions are underlined);

B. Zoning map. The boundary of all zoning districts set forth in this chapter shall be shown on a map dated January 24, 1991, as amended, and entitled "Zoning Map of the Township of Marlboro." Such map is hereby made a part of this Chapter.

3. Section 84-42.1 (R 1.5 Residential District) is hereby amended to include new Subsection H, establishing a Mt. Laurel contribution option as follows:

(H) Where a developer proposes to donate 5 acres to the Township from its tract of land with at least 350' feet of street frontage on an existing street and with access to such street and where the developer proposes to make a contribution for a regional contribution agreement in an amount set forth in the Court Order referenced in Subsection C and Section 84-29E, as the same may be amended from time to time, that development shall be entitled to develop according to the following bulk and other standards:

(1) Standards for lot area, width, depth, frontages, all setbacks, height and floor area shall be as set forth for non-age restricted single family development in the PAC zone by 84-49S (2) - (9) and (11) - (12)

- (2) Maximum lot coverage shall be 32%.
- (3) No more than 4 lots may front on Station Road, that is on the road along which the frontage included in the land donation referenced above is to be located.
- (4) Since the development of the zone represents a scaling down of development otherwise required by the Court Order dated December 24, 1985, as amended on June 5, 1990, and since such development is required by these Court Orders to be free of cost generative devices, no requirement for a contribution for detention or stormwater, as set forth in Section 84-104R and Section 84-104X and Land Use Fee Schedule A Subsection dd, or any other contribution for infrastructure improvements contained in any ordinance adopted after December 24, 1985, the date of the initial Mount Laurel II judgment incorporated in Section 84-29E, shall apply to any Mt. Laurel contribution development in the R-1.5 Zone, nor shall Sections 84-104J (8) through (12) apply.
- (5) Location of Trees:  
  
In lieu of the requirements of 84-94D (8), the following shall apply:  
  
The number, location, species and diameter of nine (9) inches or more at a height of twelve (12) inches from the base of planting within the street right-of way or area of lot clearance shall be estimated using a methodology approved by the Planning Board Environmentalist.
- (6) The following standards shall also be inapplicable or revised as stated:
  - (a) The limitation to 10% grades within five (5) feet of a building in Section 84-30D(24) (e) shall not apply.
  - (b) 84-130A, shall apply except that a minimum 60' X 60' sight triangle shall be permitted where a stop sign is warranted.

- (c) Notwithstanding 84-135D, chart 1, (i) the allowable minimum centerline radius for local streets shall be 200 feet, and (ii) the allowable minimum vertical curve shall be designed based on a 25mph speed limit for local streets and on a 35 mph speed limit for minor collectors.
- (d) Notwithstanding 84-30C(3), lot frontage shall be 60% of the width of the lot at the setback line.
- (e) 84-104L (13) shall not apply.

4. The Developer be responsible for the payment of all legal, administrative and other costs associated with the re-zoning.

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

6. In the event that any portion, phase, or application of this ordinance is found to be void or unconstitutional the remainder of this ordinance shall be deemed severable only if the ordinance, with such item excised, is still capable of carrying out the intent and purpose of this ordinance as initially enacted.

7. This ordinance shall not take effect until the following events have occurred:

- (1) Approval by the Superior Court of New Jersey, Law Division, which has retained jurisdiction over the Mount Laurel settlement dated December 24, 1985, as amended; and
- (2) Final passage and publication in accordance with law of this ordinance and ordinances 12-95 and 14-95; and
- (3) Filing with the Monmouth County Planning Board.

RESOLUTION # 44-95

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

ORDINANCE # 14-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND ADDING A NEW SECTION 84-42.2 (R-10 RESIDENTIAL 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 March 23, 1995 at 7:30 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 # 14-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTIONS 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS) AND ADDING A NEW SECTION 84-42.2 (R-10 RESIDENTIAL DISTRICT) TO CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

BE IT ORDAINED by the Mayor and Township Council of Township of Marlboro as follows:

1. The Zoning Map of the Township of Marlboro is hereby amended to rezone the following property so it shall now be included in the R-10 District: Block 171, Lot 15.

2. Section 84-29 (Districts; Map and Boundaries; Schedule of Requirements) of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (deletions appear in ~~strikeout~~; additions are underlined):

A. To the list of districts in 84-29A, add "R-10 Residential District."

B. Zoning Map. The boundary of all zoning districts set forth in this chapter shall be shown on a map dated January 24, 1991, as amended, and entitled "Zoning Map of the Township of Marlboro." Such map is hereby made a part of this Chapter.

3. Section 84-42.2, entitled "R-10 Residential District," of Chapter 84 (Land Use Development and Regulations) of the "Code of the Township of Marlboro, New Jersey" is hereby established as follows:

Section 84-42.2 R-10 Residential District.

A. Permitted Uses

(1) All uses permitted in the R-80 Residential Zone under Section 84-39.A.

B. Permitted Accessory Uses.

(1) All accessory uses permitted in the R-80 Residential District under Section 84-39.B.

C. Minimum tract area shall be twenty-five (25) contiguous acres.

D. Area, Yard and Building Requirements:

- (a) Minimum lot area: ten thousand (10,000) square feet.
- (b) Minimum lot width: interior lot seventy-five (75) feet, corner lot one hundred (100) feet.
- (c) Minimum lot depth: one hundred (100) feet.
- (d) Minimum lot frontage: interior lot seventy-five (75) feet, corner lot one hundred (100) feet.
- (e) Minimum front yard setback: twenty-five (25) feet.
- (f) Minimum side yard setback: ten (10) feet.
- (g) Minimum rear yard setback: twenty-five (25) feet for principal buildings and ten (10) feet for accessory building.
- (h) Maximum building height: thirty-five (35) feet for principal buildings and fifteen (15) feet for accessory buildings.
- (i) Maximum lot coverage: The maximum lot coverage permitted in this zone shall be determined in the following manner:
  - (1) the total lot coverage may not exceed thirty-two percent (32%) for principal buildings, driveways and/or walkways.
  - (2) An additional six percent (6%) may be utilized by the property owner for the following specific accessory structures: decks, pools, gazebos, patios, and/or sheds. This additional amount may not, however, be utilized to increase the lot coverage for principal buildings, driveways, and/or walkways, which in all cases shall be governed by the provisions of subsection (1) above.
- (j) Minimum gross habitable floor area: one thousand (1,000) square feet.
- (k) Minimum ground floor area for principal building: seven hundred fifty (750) square feet, excluding areas of attached accessory buildings such as garages.

E. Uses Requiring 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) Home professional office and home occupations.

F. Signs as permitted per Section 84-62 of this Chapter.

G. Parking as Permitted by Section 84-60 of this Chapter.

H. Fences as Permitted by Section 84-58 of this Chapter.

I. Affordable Housing:

- (1) Since the development of the zone represents a scaling down of development otherwise required by the Court Order dated December 24, 1985, as amended on June 5, 1990, and since such development is required by these Court Orders to be free of cost generative devices, no requirement for a contribution for detention or stormwater, as set forth in Section 84-104R and Section 84-104X and Land Use Fee Schedule A Subsection dd, or and other contribution for infrastructure improvements contained in any ordinance adopted after December 24, 1985, the date of the initial Mount Laurel II judgment incorporated in Section 84-29E, shall apply to any Mt. Laurel contribution development in the R-10 Zone, nor shall Sections 84-104J (8) through (12) apply.
- (2) Location of Trees:  
  
In lieu of the requirements of 84-94D-(8), the following shall apply:  
  
The number, location, species and diameter of nine (9) inches or more, at a height of twelve (12) inches from the base of planting within the street right-of way or area of lot clearance shall be estimated using a methodology approved by the Planning Board Environmentalist.
- (3) The following standards shall also be inapplicable or revised as stated:
  - (a) The limitation to 10% grades within five (5) feet of a building in Section 84-30D(24)(e) shall not apply.
  - (b) 84-130A, shall apply except that a minimum 60' X 60' sight triangle shall be permitted where a stop sign is warranted.

- (c) Notwithstanding 84-135D), chart 1, (i) the allowable minimum centerline radius for local streets shall be 200 feet and (ii) the allowable minimum vertical curve shall be designed based on a 25 mph speed limit for local streets and on a 35 mph speed limit for minor collectors.
- (d) Notwithstanding 8S-30C (3), the frontage shall be 60% of the width of the lot at the setback line.
- (e) 84-104L (13) shall not apply.

4. The Developer shall be responsible for the payment of all legal, administrative and other costs associated with the re-zoning.

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

6. In the event that any portion, phase, or application of this ordinance is found to be void or unconstitutional the remainder of this ordinance shall be deemed severable only if the ordinance, with such item excised, is still capable of carrying out the intent and purpose of this ordinance as initially enacted.

7. The ordinance shall not take effect until the following events have occurred:

- (1) Approval by the Superior Court of New Jersey, Law Division, which has retained jurisdiction over the Mount Laurel settlement dated December 24, 1985, as amended; and
- (2) Final passage and publication in accordance with the law of this ordinance and ordinances 12-95 and 13-95; and
- (3) Filing with the Monmouth County Planning Board.

Council President Broderick opened the Public Hearings on Ord. #1-95 (Amend Chapter 84: Creating R-60/15 Residential District) and Ord. #5-95 (Amending Zoning Map: R-60/15 Residential District). As there was no one who wished to speak, the Public Hearings were closed. The following Resolutions/Ordinances #31-95/#1-95 and #32-95/#5-95 were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 31-95

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

ORDINANCE # 1-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO SO AS TO PROVIDE FOR A ZONE DISTRICT TO BE KNOWN AS THE R-60/15 "RESIDENTIAL DISTRICT"

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

RESOLUTION # 32-95

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

ORDINANCE # 5-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "LAND USE DEVELOPMENT" SO AS TO AMEND THE ZONING MAP OF 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 Broderick opened the Public Hearing on Ord. #6-95 (Amend Article II of Chapter 5 "Affordable Housing" - Development Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #33-95/Ord. #6-95 introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 33-95

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

ORDINANCE # 6-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ARTICLE II ENTITLED "DEVELOPMENT FEES" OF CHAPTER 5 OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "AFFORDABLE HOUSING"

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

Council President Broderick opened the Public Hearing on Ord. #2-95 (Speed Limit on Council Drive and Stonehedge Drive - 15 MPH). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #34-95/Ord. #2-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 34-95

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

ORDINANCE # 2-95

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 Broderick opened the Public Hearing on Ord. #3-95 (Amending 1994 Salary Ordinance). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #35-95/Ord. #3-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 35-95

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

ORDINANCE # 3-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SCHEDULE "A" OF ORDINANCE #22-94, FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO 1994

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

Council President Broderick opened the Public Hearing on Ord. #4-95 (Amending Various Sections Chapter 132, Swimming Pool Facility). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #36-95/Ord. #4-95 was

introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman,

RESOLUTION # 36-95

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

ORDINANCE # 4-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 132, ENTITLED  
"SWIMMING POOL FACILITY, MUNICIPAL" 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 Broderick opened the Public Hearing on Ord. #7-95 (Permitting Township to Exceed CAP Index Rate). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #37-95/Ord. #7-95 was introduced by reference, offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 37-95

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

ORDINANCE # 7-95

AN ORDINANCE TO PERMIT THE TOWNSHIP  
OF MARLBORO TO EXCEED "CAP" INDEX 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.

Council President Broderick opened the Public Hearing on Ord. #8-95 (Authorizing Temporary Easement NJDEPE - Remediation of Burnt Fly Bog). As there was no one from the public who wished to speak, the Public Hearing was closed. The following Res. #38-95/Ord. #8-95 was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger. The following were present to answer questions from Council: Matthew Gabrielson, Deputy Attorney General, in the Environmental Protection Group in the Attorney General's office; and Larry Longo, Engineer from DEPE, who is responsible for handling the

site remediation aspects of this project. They gave a brief overview of the scope of the project, and answered all of Council's questions, especially Councilwoman Marcus' concerns that no surrounding properties be adversely affected. After discussion, roll call was taken which passed on a 4 - 0 vote in favor. Absent: Friedman.

RESOLUTION # 38-95

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

ORDINANCE # 8-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO CONVEY A TEMPORARY EASEMENT OVER BLOCK 146, LOT 47 (INTERSECTION OF TEXAS AND SPRING VALLEY ROADS) TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The following Res. #39-95/Ord. #9-95 (Repealing Section 84-57 - Hospital Zone - and Creating a New Zone District - Agriculture/Land Conservation District) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger. Township Attorney John Bennett stated that this ordinance will now be forwarded to the Planning Board for their recommendation, and that this ordinance will put the township in the position of controlling what types of uses may occur, should the Department of Human Services cease to use that property. Roll call was then taken, which passed on a 4 - 0 vote in favor. Absent: Friedman.

RESOLUTION # 39-95

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

ORDINANCE # 9-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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 23, 1995 at 7:30 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 # 9-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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. That Chapter 84 of the "Code of the Township of Marlboro, New Jersey," entitled "Land Use Development and Regulations," be amended so as to repeal the contents of Section 84-57 thereof, entitled "Hospital Zone," in their entirety.
2. That Chapter 84 of the "Code of the Township of Marlboro, New Jersey," be further amended and supplemented so as to create a new zone at Section 84-57 thereof, entitled "Agriculture/Land Conservation District," which shall read as follows:

Section 84-57. Agriculture/Land Conservation District.

The following regulations shall apply in the Agriculture/Land Conservation District:

A. Permitted Uses.

(1) Single-family dwellings.

- (a) Construction of single-family dwellings within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

- [1] The minimum lot area shall be ten (10) acres; the minimum lot area for flag lots shall be ten (10) acres plus a fifty (50) foot wide access lane.
- [2] The minimum lot frontage shall be three hundred (300) feet; the minimum lot frontage for flag lots shall be fifty (50) feet for the access lane.
- [3] The minimum lot width shall be three hundred (300) feet; the minimum lot width for flag lots shall be three

hundred (300) feet for that portion of the lot used as the dwelling site.

- [4] The minimum lot depth shall be four hundred (400) feet; the minimum lot depth for flag lots shall be four hundred (400) feet which shall not include the access lane.
- [5] The minimum front yard setback shall be two hundred (200) feet; the minimum front yard setback for flag lots shall be two hundred (200) feet which shall not include the access lane.
- [6] The minimum side yard setback shall be forty (40) feet.
- [7] The minimum rear yard setback shall be fifty (50) feet.
- [8] The maximum building height shall be thirty-five (35) feet.
- [9] The maximum percentage of lot coverage shall be five percent (5%).

(b) If lot size averaging (as defined in Section 84-4 of this Chapter) is used, then construction of single-family dwellings within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

- [1] The minimum lot area shall be eighty thousand (80,000) square feet, with an overall tract density of no more than .10 lots per acre.
  - [2] The remainder of the bulk requirements for development shall be the same as those required in the R-80 Zone under Section 84-39C of this Chapter.
- (2) Private hospitals and/or other similar private health care facilities.
  - (3) Buildings and grounds associated with institutions of higher learning. An "institution of higher learning" shall be

defined for the purposes of this Chapter as any public, parochial or private school, college or university whose enrollment is composed of students who have graduated from secondary (high) school and which is duly approved and licensed to operate by all appropriate educational and state/federal agencies.

- (4) State, County and Municipal parks/recreational facilities. Such parks or facilities may include ballfields, swimming pools, and other similar uses.
- (5) Open Space for passive recreational uses, including but not limited to hiking, fishing, nature preserves, bird watching, and other similar uses.
- (6) Farms, including operations for agriculture and agricultural purposes as defined in this Chapter. Construction or operation of farms within the Agriculture/Land Conservation District shall be in accordance with the following regulations, notwithstanding the provisions of any other section of this Chapter to the contrary:
  - [1] The minimum lot area shall be ten (10) acres.
  - [2] The minimum lot frontage shall be three hundred (300) feet.
  - [3] The minimum lot width shall be three hundred (300) feet.
  - [4] The minimum lot depth shall be four hundred (400) feet.
  - [5] The minimum front yard setback shall be two hundred (200) feet.
  - [6] The minimum side yard setback shall be forty (40) feet.
  - [7] The minimum rear yard setback shall be fifty (50) feet.
  - [8] The maximum building height shall be thirty-five (35) feet.
  - [9] The maximum percentage of lot coverage shall be five percent (5%).

B. Permitted Accessory Uses.

- (1) All accessory uses permitted in the LC Land Conservation District under Section 84-38B.
- (2) Farm Buildings, greenhouses and other similar structures or buildings which are customary and incidental to agriculture or agricultural purposes as defined in this Chapter.

C. Uses requiring a conditional use permit, subject to the provisions of Article IV of this Chapter.

- (1) Public utilities.
- (2) Churches and places of worship.
- (3) Quasi-public buildings and recreation areas.
- (4) Home professional offices and home occupations.

D. Signs are subject to the provisions of Section 84-62 of this Chapter.

E. Off-street parking is subject to the provisions of Section 84-60 of this Chapter.

F. Fences are subject to the provisions of Section 84-58 of this Chapter.

3. That Subsection 84-29(A) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to delete the reference to the "HD - Hospital Zone," and supplemented to add the "A/LC - Agriculture/Land Conservation District."

4. That the zoning map adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to remove the premises currently located in the "Hospital Zone" from that district, and revised and updated to include said tax lots in the newly created "Agriculture/Land Conservation District."

5. That the Schedule of Area, Yard and Building Requirements adopted at Subsection 84-29(D) and located at "Table I" of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to incorporate the requirements set forth in this Ordinance.

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

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

The following were introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman): Res. #40-95/Ord. #10-95 (Amending Section 84-30 - General Provisions) and Res. #41-95/Ord. #11-95 (Amending Section 84-4 Definitions - Lot Size Averaging).

RESOLUTION # 40-95

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

ORDINANCE # 10-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-30, ENTITLED "GENERAL PROVISIONS," OF CHAPTER 84, ENTITLED "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 March 23, 1995 at 7:30 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 # 10-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-30, ENTITLED "GENERAL PROVISIONS," OF CHAPTER 84, ENTITLED "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 84-30, entitled "General Provisions," of Chapter 84, entitled "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to change Subsection D(24)(f) in the following respects (additions are underlined; deletions are shown in ~~strikeout~~):

(f) The Township's requirements on retaining walls shall include the following:

- [1] Engineering drawings and material certification must be obtained prior to the start of construction on any retaining wall [over ~~three and one-half (3-1/2)~~ two and one-half (2 1/2) feet high at its highest point] which was not

specifically shown in detail on preliminary drawings.

- [2] For all retaining walls over ~~three-and-one-half (3-1/2)~~ two and one-half (2 1/2) feet, a material certification is required in any event, even in the cases where the wall was shown on the plans. The certification requirements are outlined in Subsection D(24)(f.1) below.
- [3] Retaining walls less than three and one-half (3 1/2) two and one-half (2 1/2) feet tall (at their highest point) are considered landscaping components and require drawings and certification if located at a distance less than twice their height from a public right-of-way.
- [4] The following additional requirements shall apply for retaining wall systems consisting of a series of two (2) or more walls:
  - [a] When the total drop (measured from the top of the highest wall to the toe of the lowest wall) exceeds two and one-half (2 1/2) feet, even if each individual wall is less than two and one-half (2 1/2) feet, there shall be an Engineer's review of the proposed system with emphasis on safety.
- [5] An approved safety barrier shall be required in all cases where the wall is more than two and one-half (2 1/2) feet tall (at the highest point), subject to the Engineer's review. Furthermore, an approved safety barrier shall be required in wall systems containing a series of two (2) or more walls (as in section 84-30D (24)(f)[4] as determined in the course of the Engineer's safety review. A "safety barrier" shall be defined for the purposes of this Chapter as an artificial barrier, not to include landscaping, which will prevent a child from penetrating through to the other side of the barrier. Specifications for safety barriers shall be as follows:
  - [a] A safety barrier shall be at least four (4) feet high.
  - [b] A safety barrier shall be constructed of approved materials in a a manner that will prevent a child from penetrating it.

[c] A safety barrier shall be located at the outer edge at the top of the wall along its length.

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.

RESOLUTION # 41-95

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

ORDINANCE # 11-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4, ENTITLED "DEFINITIONS," OF CHAPTER 84, ENTITLED "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 March 23, 1995 at 7:30 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 # 11-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4, ENTITLED "DEFINITIONS," OF CHAPTER 84, ENTITLED "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 and State of New Jersey as follows:

1. Section 84-4, entitled "Definitions," of Chapter 84, entitled "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to include the following definition:

LOT SIZE AVERAGING - A method whereby one or more lots in a subdivision may be undersized provided that other lots in the same subdivision are oversized by an equal or greater area such that the overall gross density of the subdivision still complies with

the specific Zoning District requirements. Lot size averaging is similar to clustering except there is no common open space.

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 #45-95 (Introduction of 1995 Municipal Budget) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilwoman Marcus. Council President Broderick stated that the budget, as presented to the Council from Administration, represents a 2% increase in operating costs from last year, which is substantially under the rate of inflation. He stated that Council will now review the budget, and make any changes they deem necessary. As there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 45-95

Section 1.

Municipal Budget of the Township of Marlboro, County of Monmouth for the Fiscal Year 1995.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 1995;

BE IT FURTHER RESOLVED that said Budget be published in the Asbury Park Press in the issue of March 16, 1995.

The governing body of the Township of Marlboro does hereby approve the following as the Budget for the year 1995.

Notice is hereby given that the Budget and Tax resolution was approved by the Township Council of the Township of Marlboro, County of Monmouth on February 23, 1995.

A hearing on the Budget and Tax Resolution will be held at the Marlboro Municipal Complex on April 27, 1995 at 7:30 PM at which time and place objections to said Budget and Tax Resolution for the year 1995 will be presented by taxpayers or other interested persons.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #46-95 (Bond Release - Marlboro Montessori), Res. #47-95 (Bond Release - The Ville), Res. #48-95 (Bond Release

- Triangle Estates) and Res. #49-95 (Bond Reduction - Wyncrest Manor - Sections 1 & 2).

RESOLUTION # 46-95

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND  
MARLBORO MONTESSORI ACADEMY

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Bond from Marlboro Montessori Academy; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated February 1, 1995, which recommends the release; 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 for Marlboro Montessori Academy, in the original and present amount of \$1,183.00, shall be reduced to zero and released.
2. That this release is conditioned upon the following:
  - (a) The posting of a maintenance bond in a form acceptable to the Township in the amount of \$177.00.
  - (b) The receipt of acceptable as-built drawing(s) and certificate of compliance from Freehold Soil Conservation District.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Marlboro Montessori Academy
  - b. Township Engineer
  - c. Township Attorney

RESOLUTION # 47-95

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND -  
THE VILLE c/o JOHN YACUZZIO

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

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Bond from The Ville c/o John Yacuzzio; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated January 31, 1995, which recommends the release; 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 for The Ville c/o John Yacuzzio, in the original and present amount of \$44,548.00, shall be reduced to zero and released.

2. That the Cash Bond posted for The Ville c/o John Yacuzzio, in the original and present amount of \$4,950.00, shall be reduced to zero and released.

3. That this release is conditioned upon the following:

(a) The posting of a maintenance bond in a form acceptable to the Township in the amount of \$6,187.00.

(b) The receipt of an acceptable as-built drawing.

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

- a. The Ville c/o John Yacuzzio
- b. Frontier Insurance Company
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 48-95

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND -  
TRIANGLE ESTATES, SECTIONS 1 AND 2

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Bond from the developers of Triangle Estates, Sections 1 and 2; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township

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

Engineers, dated January 27, 1995, which recommends the release:  
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 for Triangle Estates,  
Section 1, in the present amount of \$115,399.00, shall be reduced  
to zero and released.

2. That the Performance Bond posted for Triangle Estates,  
Section 2, in the present amount of \$131,825.00, shall be reduced  
to zero and released.

3. That the Cash Bond posted for Triangle Estates, Section  
1, in the present amount of \$5,961.00, shall be reduced to zero  
and released.

4. That the Cash Bond posted for Triangle Estates, Section  
2, in the present amount of \$5,590.00, shall be reduced to zero  
and released.

5. That this release is conditioned upon the receipt of the  
following:

- (a) The posting of maintenance bonds in a form acceptable to the Township in the amount of \$36,851.00 for Section One, and \$40,426.00 for Section Two.
- (b) As-built drawings for lots, drainage and roadways.
- (c) Monument Certification letter from Developer's Engineer.
- (d) Final Certificate of Compliance from Freehold Soil Conservation District.
- (e) One lot, at the end of the Evan Drive cul-de-sac remains unbuilt. The Township requests that the builder post a bond, in an amount to be determined by the Township, as a condition of receiving a building permit for that lot.
- (f) Settled pavement in street on Eric Court, 100" ± E of Evan to be repaired.

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

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

- a. S & F Associates
- b. First Indemnity of America Insurance Company
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 49-95

RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE BONDS -  
WYNCREST MANOR, SECTIONS ONE & TWO

WHEREAS, the Township of Marlboro has received a request for the reduction of Township held Performance Bonds for a development known as Wyncrest Manor, Sections One & Two; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the attached reports from the Township Engineers, dated January 27, 1995, revised February 17, 1995 (Section One) and January 30, 1995 (Section Two); and  
\*SEE ATTACHED

WHEREAS, the Mayor and Township Council of the Township of Marlboro now wish to take the following action regarding the above Performance Bonds.

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 Wyncrest Manor, Section One, in the present amount of \$330,580.00, shall be reduced by \$110,467.00, representing a 30% reduction, so that the amount to remain shall be \$220,113.00.
2. That the Cash Bond for a development known as Wyncrest Manor, Section One, in the present amount of \$39,479.00, shall be reduced by \$13,192.00, representing a 30% reduction, so that the amount to remain shall be \$26,287.00.
3. That the Performance Bond for a development known as Wyncrest Manor, Section Two, in the present amount of \$650,285.00, shall be reduced by \$455,199.00, representing a 70% reduction, so that the amount to remain shall be \$195,086.00.
4. That a Cash Bond for a development known as Wyncrest Manor, Section Two, in the present amount of \$72,254.00, shall be

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

reduced by \$50,578.00, representing a 70% reduction, so that the amount to remain shall be \$21,676.00.

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

- a. Wyncrest Manor, Inc./Howell Properties & Joseph Wilf
- b. Westchester Fire Insurance Company
- c. Central Jersey Bank
- d. Township Engineer
- e. Township Attorney

The following Resolutions #50-95 (Swim Division Changes) and #51-95 (Award of Bid: Pool Maintenance Contractor) were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 50-95

RESOLUTION ESTABLISHING 1995 SWIM DIVISION REGULATIONS AND FEES

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

WHEREAS, the Swim Division has reviewed all of the Swim Facility programs for the 1995 season and has recommended the following proposed regulations and fee changes for approval by the Township Council.

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

1. That membership in the Swimming Pool Facility for the 1995 season shall be limited to a maximum number of one thousand four hundred fifty (1,450) full family memberships.

2. That the number of part-time [limited-use] memberships which shall be available for the 1995 season shall be five hundred Part-time [limited-use] membership shall entitle the member to use the facility as follows in 1995:

**Opening Day, May 20, 1995 until June 18, 1995** - During this period, part time [limited use] members may use the facility anytime that it is open to the general membership.

**June 22, 1995 through August 4, 1995** - During this period, part-time [limited use] members may use the facility on weekdays only. However, the facility shall be closed to part-time [limited use] members on Tuesday, July 4, 1995, which is Independence Day.

**August 5, 1995 through September 4, 1995** - During this period, part-time [limited use] members may use the facility anytime that it is open to the general membership.

3. That membership fees for the 1995 season shall be as follows:

- (a) Family membership [husband and wife and children under twenty-five (25)]: two hundred forty dollars (\$240.00) for the season.
- (b) Individual membership: one hundred twenty dollars (\$120.00) for the season.
- (c) Senior citizen membership: twenty-five dollars (\$25.00) for the season.
- (d) Members of a family membership household other than those listed in Section 132-3C(1) of the Township Code will pay an additional fee of one hundred twenty dollars (\$120.00) for the season, with the exception of a senior citizen who will pay twenty-five dollars (\$25.00) for a full-time membership and twenty dollars (\$20.00) for a weekday membership.
- (e) Limited-use family membership: one hundred ninety dollars (\$190.00) for the season; limited-use individual membership: one hundred twenty dollars (\$120.00) for the season; and limited-use weekday senior citizen membership: twenty dollars (\$20.00) for the season.

4. That the following mid-season membership fees shall be available to any new wait list person who applies for part-time [limited use] membership, [family, individual or senior], who takes residency in the Township and wishes to become a member of the facility on or after the third Monday in July:

Family	\$100.00
Individual	\$60.00
Senior	\$10.00

5. That the fee for lockers, including lock deposit, for the 1995 season shall be twenty-five dollars (\$25.00).

6. That the penalty fee for late membership fees for the 1995 season shall be twenty-five dollars (\$25.00).

7. That the fee during the 1995 season for returned checks which have been determined to be uncollectible shall be twenty-five dollars (\$25.00).

8. That the fee for group swim lessons for the 1995 season shall be twenty dollars (\$20.00). This fee shall cover the entire cost of a series of twelve (12) lessons, each of one-half (1/2) hour duration. There will be no refund of the group swim lesson fee once the first lesson begins.

9. That the fee for private swim lessons [one-half (1 /2) hour in duration] for the 1995 season shall be as follows:

- (a) Twelve dollars (\$12.00) per one-half (1/2) hour.
- (b) Interested members shall purchase a coupon book containing three (3) coupons at a cost of thirty-six dollars (\$36.00), [twelve dollars (\$12.00) per coupon].
- (c) For any such lessons, the person providing the lesson shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in to the swim pool office. The person providing the lesson shall receive eight dollars (\$8.00) per one-half (1/2) hour lesson. The Swim Club shall retain four dollars (4.00) per one-half (1/2) hour lesson.

10. That there shall be a swim team fee during the 1995 season at the rate of twenty-five dollars (\$25.00) per child. In addition, the following regulations shall apply:

- (a) There shall be no refund of the swim team fee.
- (b) Of the swim team fee, the swim team shall receive fifty percent (50%) and the Swim Club shall retain the other fifty percent (50%). Swim Club employees shall be exempt from the payment of this fee.
- (c) There shall be a separate fee for the year-end Swim Team Banquet, to be determined by the Swim Team Parent's Organization.

11. That the fee for group diving lessons for the 1995 season shall be forty dollars (\$40.00). This fee shall cover the entire cost of a series of ten (10) lessons, each of one-half (1/2) hour duration. There shall be no refund of the group diving lesson fee once the first lesson begins.

12. That the fee for private diving lessons [one-half (1/2) hour in duration] for the 1995 season shall be as follows:

- (a) Twelve dollars (\$12.00) per one-half (1/2) hour.
- (b) Interested members shall purchase a coupon book containing three (3) coupons at a cost of thirty-six dollars (36.00), [twelve dollars (\$12.00) per coupon].
- (c) For any such lessons, the person providing the lesson shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in to the swim pool office. The person providing the lesson shall receive eight dollars (\$8.00) per one-half (1/2) hour lesson. The Swim Club shall retain four dollars (\$4.00) per one-half (1/2) hour lesson.

13. That the fee for children enrolled in the Swim Club Day Camp for the 1995 season shall be one hundred sixty dollars (\$160.00) for the first child and one hundred fifty dollars (\$150.00) for each additional child in the same family. The above fees shall include the cost of two (2) day camp t-shirts for the season. The day camp refund policy shall be as follows:

- (a) If a child is withdrawn before the start of camp, an administrative fee in the amount of thirty-five dollars (\$35.00) shall be retained by the Swim Club. This fee shall include the cost of the two (2) t-shirts.
- (b) If a child is asked by the Swim Division to leave camp during the first three weeks, only fifty percent (50%) of the fee shall be refunded.
- (c) Once camp begins, there shall be no other refunds.

14. That the hours of operation of the pool facility for the 1995 season shall be provided to each membership (full-time and part-time) in the Schedule of Operations. A Schedule of Operations shall be mailed to each member with the application for membership, prior to the start of the season.

15. That the fee for failing to appear for the taking of identification photographs for the 1995 season shall be five dollars (\$5.00) per member.

16. That the fee to replace a lost identification card for the 1995 season shall be five dollars (\$5.00) per card.

17. That the fee for guest books for the 1995 season (per book of fourteen (14) tickets) shall be twenty-one dollars (\$21.00). The number of tickets required per guest for the 1995 season shall remain the same as that in 1994.

18. That the fee for waiting list applications for the 1995 season shall be twenty dollars (\$20.00).

19. That the fee for the use of the swim facility by a competitive swim team or outside organization during the 1995 season shall be as follows:

(a) By a competitive swim team:

[1] If the entire pool is used, the fee shall be twenty-four dollars (\$24.00) per hour.

[2] If less than the entire pool is used, the fee shall be four dollars (\$4.00) per hour, per swim lane.

(b) The fee, if any, for the use of the facility by any other type of outside organization shall be determined on a case by case basis by the Swim Division.

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

(a) Arthur Lawrence

(b) Robert Albertson, Business Administrator

(c) Township Attorney

RESOLUTION # 51-95

BE IT RESOLVED THAT:

1. AQUATIC SERVICE

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

POOL MAINTENANCE CONTRACTOR

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:

Aquatic Service  
170 Burlington Avenue  
Spotswood, N. J. 08884

on their low bid of: \$46,540.

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 Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman): Res. #52-95 (Refund of Overbilled Taxes - B. 412.02, L. 3 - 3 Annette Drive), Res. #53-95 (Tax Court Judgement Refund - B. 132, Lot 18 - Entron Industries), Res. #54-95 - Cancellation of Amounts Too Minor to Collect), Res. #55-95 - Redemption of Tax Sale Certs. (Various), Res. #56-95 (Refund to WMUA - TTL 91-75 - B. 207, Lot 21 - Wick Realty), Res. #57-95 (Refunds for Overpayments of 1994 Taxes - Various), Res. #58-95 (Mon. County Bd. of Taxation Judgements - Various) and Res. #59-95 (Transfer - \$18,000).

RESOLUTION # 52-95

WHEREAS, property taxes for 1994 were overbilled in the amount of \$498.66 for Block 412.02 Lot 3, located at 46 Annette Drive, assessed to Michael & Susan Pasmowitz,

WHEREAS, the 1994 taxes were paid in full based on the overbilled amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$498.66 to the above-mentioned taxpayer.

RESOLUTION # 53-95

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$6,098.38 for the year 1994 on Block 132 Lot 18, located at 418 Route 79, assessed to Entron Industries Ltd. Partnership,

WHEREAS, the 1994 taxes have an unpaid balance, the Tax Collector is directed to apply the amount of \$6,098.38 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to apply \$6,098.38 as noted above.

RESOLUTION # 54-95

WHEREAS, the attached list in the net amount of forty-four cents (\$.44) known as Schedule "A" is comprised of amounts too minor to collect for the year 1994,

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
184	35	Maschler, Erik 11 Washington Avenue	\$.44

TOO MINOR TO COLLECT --- \$.44

RESOLUTION # 55-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$113,184.71 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 \$113,184.71 be refunded to the certificate holders as per Schedule "A".

## SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
91-27 Cannonade Drive West	404/26	Fred Niemann	871.07
93-36 Rte. 9	288/371	LBM-Corfacts	71,554.24
94-51 Franklin Place	173/7/C0222	Paul Plaskon	389.75
94-18 Fawns Run	154.01/1	First Fidelity, Trustee Breen Collateral Trust	2,358.13
94-21 Fawns Run	154.01/4	First Fidelity, Trustee Breen Collateral Trust	2,188.77
94-19 Fawns Run	154.01/2	Lamar Life Insurance Co.	5,498.77
94-20 Fawns Run	154.01/3	Lamar Life Insurance Co.	5,785.85
94-22 Fawns Run	154.01/5	Lamar Life Insurance Co.	5,317.08

94-23	154.01/6	American Bankers Life	7,926.20
Fawns Run		Assurance Co. of Florida	
94-28	176.02/1	American Bankers Life	11,294.85
Enclosure Drive		Assurance Co. of Florida	
TOTAL -----			\$113,184.71

RESOLUTION # 56-95

WHEREAS, TTL 91-75 for Block 207, Lot 21 has been assigned to Robert G. Paulus, President of Wick Realty,

WHEREAS, the delinquent sewer charges total \$18,405.07 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund \$18,405.07 to the Western Monmouth Utilities Authority.

SCHEDULE "A"

1992 (and prior)	7,269.88
1993:	4,825.62
1994:	6,309.57
TOTAL: -----	\$18,405.07

RESOLUTION # 57-95

WHEREAS, the attached list in the amount of \$18,654.59, known as Schedule "A", is comprised of amounts representing overpayments for 1994 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$18,654.59 to the respective taxpayers.

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
119	7	Riker, Gary J. Sr. Debra 157 Ticetown Road	144.01
119	40	K. Hovnanian At Marlboro Twp. Inc. Wooleytown Road	133.71

136	1	Ruggieri, John C. & Rose Marie 51 Roosevelt Avenue	50.00
139	4	Silverstein, Burton & Joan 2 Knob Hill Road	50.00
173	7 C0398	Iaddeo, John J. & Rose 398 Hampton Place	526.62
176	7 C0585	Hui, Peter & Anna 585 Windflower lower Court	63.22
176	7 C0611	Dolan, Jill T.                    671.70 (Added) 611 Windflower Court    63.22 (Land)	734.92
176	7 C0613	Fu, Cheung Wan & Angela C. 613 Windflower Court	63.22
176	7 C0615	Mahal, Jatinder S. & Harwant K. 615 Windflower Court	63.22
176	7 C0639 (ADDED)	Li, Meng Dong & Yang, Ru Bing 639 Windflower Court	2,133.79
176	7 C0645	Cusano, Edward & Michele N. 645 Windflower Court	63.22
176	7 C0769	Braco, Emil & Rose 769 Banyan Court	63.22
176	7 C0927	Domaldovich, Rosalind T. 927 Crimson Court	614.55
176	7 C0941 (ADDED)	United Jersey Bank Re: Taubman, Rose 941 Lily Court	441.07
176	7 C1071	Fisher, Gregory & Pakhomov, Dina 1071 Roseberry Court	614.55
176	7 C1141	Cerezo, Sebastian A. 1141 Roseberry Court	63.23
176	59	Ginelli, Orlando & Marie 15 West Frances Avenue	50.00
178	2 C0167	Frimer, Daniel & Ivy 167 Tanglewood Place	765.02
180	35	Meiterman, Morris & Judy 22 Evan Drive	1,539.16
180	45	Luwisch, Cheryl 4 Evan Drive	734.10

BLOCK		ASSESSED OWNER	AMOUNT
180	46	DeFusco, Carmine J. & Elizabeth 33 Eric Court	1,115.83
223	16	Maziekien, John & Inez 9 Hobart Street	105.42
268.04	24	Wu, Tsong-Ho & Shu-Jen 10 Crest Drive	945.76
285	5	Ryan, Robert A. & Diane M. 4 Poe Court	50.00
312	50	United Jersey Bank re: Kwan 28 Jennifer Court	1,421.36
360	10	Luhrs Family Limited Prtn 1993 Boundary Road	4,830.00
371	202	Steinberg, Paul & Lola 96 Caldwell Terrace	1,075.39
371	219	Shomer, Irving & Ginette 71 Caldwell Terrace	50.00
371	237	Abate, Peter J. & Phyllis G. 35 Caldwell Terrace	50.00
375	4	Wolsky, Murray & Doris 82 Caldwell Terrace	50.00
377	19	Gold, Charles B. & Phyllis P. 66 Caldwell Terrace	50.00
			\$ 18,654.59
TOTAL TO BE REFUNDED: -----			\$18,654.59

RESOLUTION # 58-95

WHEREAS, the Monmouth County Board of Taxation has granted judgments totaling \$523.83 for the 1993 and 1994 Added Assessment as per Schedule "A"

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the Tax Collector is hereby directed to apply the amount of \$433.29 towards the unpaid balance of the delinquent taxpayers and to refund the amount of \$90.54 to the respective taxpayers who have paid their taxes in full as per the attached Schedule "A".

## SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	REFUND	APPLY
176.04/2	Woo, Jack & Mary K. 2 Janet Court	90.54	
312/158.11	Karas, Jeffrey S. & Linda J. 5 Sandra Court		
	1994 Added:	\$393.64	
	1993 Added:	39.65	
		<u>\$433.29</u>	
			\$433.29
	TOTALS -----	\$90.54	\$433.29

RESOLUTION # 59-95

WHEREAS, certain appropriations in the 1994 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S. 40A:4-59 allows transfers to be made between line item appropriations during the first three months of the succeeding year,

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

From:

Streets & Roads - Road Maintenance O/E \$18,000.00

To:

Administration O/E 9,500.00  
Finance O/E 8,500.00

\$18,000.00

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman): Res. #60-95 (Authorizing Agreement - Mon. County Bd. of Chosen Freeholders - Drug Alliance), Res. #61-95 (Authorizing Increase in Contract - Maser Sosinski - Gordons Corner Water Co. Litigation), and Res. #22-95 - Reaffirming Appointment of Auditor Hutchins et al).

RESOLUTION # 60-95

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 1995, (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, 1995.
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, Kozloski Road  
 Freehold, New Jersey 07728
  - b. Monmouth County Board of Chosen Freeholders
  - c. Marlboro Township Alliance to Prevent Alcoholism  
 and Drug Abuse

RESOLUTION # 61-95

RESOLUTION AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FOR  
 THE PROFESSIONAL ENGINEERING SERVICES OF MASER SOSINSKI  
 AND ASSOCIATES, P.A. ON BEHALF OF MARLBORO TOWNSHIP'S OPPOSITION  
 TO THE USE VARIANCE APPLICATION OF GORDON'S CORNER WATER COMPANY

WHEREAS, the Marlboro Township Council has previously authorized (through Resolution Nos. 191-94 and 252-94) a professional service contract between the Township of Marlboro and Maser Sosinski and Associates, relating to the Township's opposition to the use variance application of Gordon's Corner

Water Company to construct a water storage tank at Block 4.02, Lot 1 in Manalapan Township; and

WHEREAS, the above Resolutions imposed a cap as to the expenditure of funds in an amount not to exceed a total of \$18,000.00 without further approval of the Township Council; and

WHEREAS, due to the volume of work and number of meetings associated with the Township's opposition to this application, the full amount thereof has nearly been expended (i.e., as of January 22, 1995, the total expended amount had reached \$17,868.00); and

WHEREAS, the Township Attorney's office is in receipt of the attached letter dated February 7, 1995 from Joseph J. Layton, P.P. of Maser Sosinski's office, advising that their involvement is nearly completed, but that they estimate that an additional \$2,000.00 should be authorized to ensure completion; and

WHEREAS, the Township Council, having considered the above, now wishes to authorize the expenditure of these additional funds for the said Contract.

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

1. That the previous cap as to the expenditure of funds on the professional engineering service contract between the Township of Marlboro and Maser Sosinski and Associates, P.A. for the services listed above is hereby increased by \$2,000.00 so that the overall amount of funds authorized under this Contract thus far shall be equivalent to a combined total of \$20,000.00.

2. That further approval of the Township Council shall be required for any expenditures which exceed this new amount.

3. That the remainder of Resolution Nos. 191-94 and 252-94 shall remain in full force and effect.

4. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for the services outlined hereinabove for the year 1995 and attach same to this Resolution.

5. That this Resolution is adopted as an amendment to previous Resolutions which had authorized a Contract to be 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.

6. That notice of the adoption of this Resolution shall be published in a newspaper of circulation within the Township.

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

- (a) Maser Sosinski and Associates, P.A.  
(Attention: Joseph J. Layton, P.P., A.I.C.P.)
- (b) Sheila Fishkin, Chief Financial Officer
- (c) Robert Albertson, Business Administrator
- (d) Township Engineer
- (e) Township Attorney

RESOLUTION # 22-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that EUGENE M. FARRELL, of the firm of Hutchins, Laezza, Farrell & Allison, 512 Main Street, Toms River, New Jersey is hereby appointed as Auditor for the Township of Marlboro for a term of 1 year commencing January 1, 1995, whose duties shall include, among other things, the preparation of the Annual Audit for 1995, and assistance in the preparation of the 1995 Budget, 1995 Financial Statements, and the 1995 Debt Statement.

Council then discussed Item 42 (Presentation - Ryan Road - Route 79 Jughandle). Bill Mehr, Esq., and Bill Schultz, Crest Engineering, were present representing Brooks Edge Associates, the contract purchaser of the property. The property fronts on Route 79, east of Ryan Road, some of which is zoned CIR and the other portion R-80. The applicant proposed a convenience type retail center on the front portion on Route 79, and approximately 35 single-family residential homes on the balance. Also, the applicant proposed to construct a jughandle for U-turns and other traffic improvements valued at \$1,000,000 to \$1,500,000. This proposal will provide a commercial tax ratable to the township in excess of \$5,000,000. Council asked all pertinent questions, and it was their consensus to refer this concept to the Planning Board for their review and recommendation.

Council tabled Item 43 (Discussion - Filling Vacancies - Council Liaisons) to the March 9th meeting.

Public Session - There was no one who wished to speak.

At 10:15 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

MINUTES APPROVED: March 23, 1995

OFFERED BY: Friedman

AYES: 4

SECONDED BY: Colarusso

NAYS: 0

ABSENT: Metzger

*Alida De Gaeta*

ALIDA DE GAETA  
DEPUTY MUNICIPAL CLERK

*Thomas E. Broderick*

THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

March 9, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on March 9, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilwoman Marcus, Councilman Metzger and Council President Broderick. Councilman Friedman 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 De Gaeta.

Council first discussed Item 9 (Crine Realty - Zone). Jerry Sonnenblick, Esq., Marvin Schmeltzer, the developer, and their engineer, presented this concept to Council. Mr. Sonnenblick stated that Crine Realty has a preliminary subdivision approval for the property which is located on Crine Lane and Crine Road. Within that subdivision, there is a 10-acre piece of property owned by Mrs. Crine. Mr. Schmeltzer is the contract purchasers of that property and wishes to develop it in conjunction with the surrounding subdivision. That property would require rezoning to R-40/30 in order to be able to accomplish this. Council asked all pertinent questions, and after discussion, agreed to proceed with a First Reading of this ordinance after it has been drafted and reviewed by the attorneys.

Council then discussed Item 11 (Filling of Vacancies - Council Liaisons). Larry Goldberg, liaison to the Board of Education, was present for the discussion. Council President Broderick asked if Council would agree to create a liaison position to the Planning Board, as Mr. Goldberg had expressed a desire to serve in that capacity. Council agreed, and discussed filling the liaison positions to the WMUA and MTMUA. Council appointed Howard Tilis as liaison to the WMUA and Robert Schipa as

liaison to the MTMUA. The appointing resolution was carried to the March 23 agenda.

Council discussed Item 6 (Resolution - Affordable Housing/Rent Decontrol). Council reviewed the resolution of the Rent Control Committee, which recommended that the vacancy decontrol increase of fifteen percent not be permitted more than one time in a four (4) year period for any lot. Also, in any year when the landlord is granted the decontrol increase, the landlord waives the automatic increase. Joe Leon - President of the Wickatunk Village Homeowners Assoc. - spoke on behalf of the residents. John Sally - Managing Agent for Wickatunk Village - spoke on behalf of the park owner, Jack Haug. Council asked all pertinent questions, and attempted to reach a compromise to resolve this issue. After discussion, both the Homeowner's Assn. and the management agreed that the fifteen percent not be permitted more than one time in a five (5) year period for any lot. Council moved this ordinance to the March 23 agenda for First Reading.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman): Res. #63-95 (Award of Bid: Summer Busing - Greenwood Bus Company), Res. #64-95 (Award of Bid: Recreation T-shirts - Metuchen Center) and Res. #65-95 (Award of Bid: Recreation/Police Vans - Warnock Fleet and Leasing).

RESOLUTION # 63-95

BE IT RESOLVED THAT:

1. GREENWOOD BUS SERVICE  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Summer 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 Service  
327 Greenwood Road, Matawan, N. J. 07747

on their low bid of: SEE ATTACHED

3. That the proper Township Officials be and they are hereby

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

authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

RESOLUTION # 64-95

BE IT RESOLVED THAT:

1. METUCHEN CENTER

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Recreation T-Shirts

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:

Metuchen Center

191 Talmadge Road, Edison, N. J. 08817

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.

RESOLUTION # 65-95

BE IT RESOLVED THAT:

1. WARNOCK FLEET AND LEASING

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Recreation/Police Vans (2)

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:

Warnock Fleet & Leasing

175 Route 10, P. O. Box 524

East Hanover, N. J. 07036

on their low bid of: \$41,240.00.

3. That the proper Township Officials be and they are hereby

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

authorized to execute any and all instruments necessary to effectuate and consummate this transaction.

Council then discussed Item 7 (Dedicated Account - Recreation). John Saffioti, Recreation Director, was present to explain to Council the concept of a dedicated account and the reasons why it would benefit the residents, the Recreation Dept. and the Township. After discussion, Council moved this ordinance to the March 23 meeting for First Reading.

Council then discussed Item 5 (Marlboro Hospital - Closing). Mayor Scannapieco informed Council that he had wanted to determine the opinion of the township residents concerning the possible closing of Marlboro Hospital. Mayor Scannapieco commissioned Stephen Salmore, Professor at the Eagleton Institute of Politics and the Bloustein School of Policy and Planning at Rutgers University to conduct a poll to determine such opinion. Mr. Salmore presented the summary of the survey to Council. He reviewed the results of the survey (\*SEE ATTACHED), which basically concluded that a plurality oppose the plan to close the State Hospital, but one-third were undecided. The Mayor suggested that Council adopt a resolution taking the position of the residents as indicated on the survey. Council agreed, and moved this Resolution to the March 23 meeting.

Council then discussed Item 1 (Res. # 62-95 - Bond Reduction Timber Hill a/k/a Regency Oaks - Calton Homes). Bill Schultz, Crest Engineering, was present to answer any questions. Mr. Schultz provided Council with a revised report and stated that the amount withheld was more than adequate to cover deficiencies. Township Attorney John Bennett stated that the resolution had been revised to reflect the findings in Mr. Schultz's report. Township Engineer David Birnbaum also concurred with Mr. Schultz's findings. Council also brought to Mr. Schultz's attention the poor condition of Church Road. He stated that both he and the developer are aware of the situation, and the road will be repatched as soon as weather permits. After discussion, Res. #62-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Friedman.

RESOLUTION # 62-95

RESOLUTION AUTHORIZING THE REDUCTION OF  
PERFORMANCE BOND - TIMBER HILL  
a/k/a REGENCY OAKS, SECTION 1

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

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a development known as Timber Hill a/k/a Regency Oaks, Section 1; and

WHEREAS, the Township Council of the Township of Marlboro has received and reviewed a report from William F. Schultz, P.E., of Crest Engineering Associates, Inc., the consulting engineers in charge of inspections for this project, dated January 30, 1995 and revised as of March 2, 1995, which is attached hereto; and  
\*SEE ATTACHED

WHEREAS, in support of this report, Mr. Schultz has made a personal appearance before the Township Council on March 9, 1995, in order to explain and/or clarify pertinent issues related to the bond reduction request; and

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above Performance Bond.

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 Timber Hill a/k/a/ Regency Oaks, Section 1, in the original amount of \$418,911.00, shall be reduced by \$142,429.74, representing a 34% reduction, so that the amount to remain shall be \$276,481.26.

2. That the Cash Bond for a development known as Timber Hill a/k/a Regency Oaks, Section 1, in the present amount of \$46,546.00, shall be reduced by \$15,825.64, representing a 34% reduction, so that the amount to remain shall be \$30,720.36.

3. That the Performance Bond for a development known as Timber Hill a/k/a Regency Oaks, section 2, in the original amount of \$427,934.00, shall be reduced by \$158,335.58, representing a 37% reduction, so that the amount to remain shall be \$269,598.42.

4. That the Cash Bond for a development known as Timber Hill a/k/a Regency Oaks, Section 2, in the present amount of \$47,548.00, shall be reduced by \$17,592.76, representing a 37% reduction, so that the amount to remain shall be \$29,955.24.

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

- a. Calton Homes
- b. American Motorists Fire Insurance Company

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

- c. William Schultz, P. E.  
Crest Engineering, P. O. Box 1210  
Hightstown, N. J. 08520
- d. Township Engineer
- e. Township Attorney

Council moved Item 12 (Change Order - Construction of Texas Road - Lucas Brothers) to the March 23 agenda, as per the Township Engineer's recommendation.

The following Items were moved to the March 23 agenda: Item 13 (Release of Maintenance Bond Amerada Hess), Item 14 (Release of Cash Maintenance Bond Sanclaire Enterprises/Timber Hill), Item 15 (Bond Reduction Manzo Site Plan), Item 16 (Bond Reduction Hamptons), Item 17 (Bond Reduction Meridian Place - Western Monmouth Industrial Park), Item 18 (Release of Bond for Limited Grading Work - Cambridge Square), Item 19 (First Reading - Amend Fees - Summer Camp and Therapeutic Programs), Item 20 (Exempt Fireman - Robert L. Emmons, Jr.), Item 21 (Honoring Roy Levy for Outstanding Service), Item 22 (Commending Jeremy Roberts and Christina Cilmi), Item 23 (Temporary Budget), Item 24 (Tax Collector Resolutions) and Item 25 (Correction and/or Approval of Minutes: Feb. 9 & 23, 1995).

Council then discussed Item 10 (Liquor Licenses). Mayor Scannapieco felt that the primary reason Council had not been successful in selling the distribution and consumption liquor licenses previously was the time factor, in that full payment had been required. He suggested that Council consider lowering the price of each license and also not requiring full payment until the business is ready to operate. Council discussed how they wish to proceed, and set the price for the distribution license at \$175,000, and the price for the consumption license at \$225,000. Council moved this resolution to the March 23 agenda.

Good & Welfare - Mayor Scannapieco informed Council that a resolution will be necessary to renew the contract with New England for health insurance coverage. Council moved this resolution to the March 23 agenda. Business Administrator Bob Albertson informed Council that the Swim Division would like to proceed with the lighting project for their parking lot, and asked that Council adopt a Resolution authorizing him to proceed to bid this project. This resolution was moved to the March 23 agenda. The Mayor informed Council that the construction of the Little League field is moving forward and described how the construction is proceeding.

Council then discussed Item 8 (Housing Element - Mount Laurel). Joseph Layton, Township Planner, was present and gave Council the highlights of the Housing Element Plan. Council asked all pertinent questions, and Mayor Scannapieco asked that Council contact him or Mr. Layton with any further questions. After discussion, Mr. Layton informed Council that the Planning Board will hold its public hearing on the Housing Element on Wednesday, March 15th, and if it is adopted, it will come back to Council for a resolution at Council's March 23 meeting. Council's resolution will forward the plan to COAH requesting certification prior to the April 6 deadline.

At 11:10 PM, Council Vice President Colarusso moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 27, 1995

OFFERED BY: Broderick

AYES: 5

SECONDED BY: Colarusso

NAYS: 0

*Evelyn D. Piccolini*

\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Thomas E. Broderick*

\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

March 23, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on March 23, 1995 at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey. Council held a Special Closed Session at 7:00 PM, notice of which had been faxed to the Asbury Park Press and the News Transcript on March 21, 1995. After Council President Broderick read such announcement, Council Vice President Colarusso moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 23rd day of March, 1995, 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 7:20 PM, Council President Broderick moved that the meeting be opened. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot. Council then took a 10-minute recess.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus and Council President Broderick. Councilman Metzger 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.

Administrative Report - The Mayor will give the report later in the meeting.

Citizen's Voice - Sidney Alpert - 55 Clubhouse Lane - stated he is speaking to Council on behalf of Mr. David Ages, 23 Coventry Terrace, Greenbriar North. Mr. Ages has had a recurring drainage problem for several years. U. S. Homes has tried to alleviate the problem without success. He stated that the prior consulting engineer failed to list this problem on the list of deficiencies to be addressed prior to bonds being released. He is requesting that the present administration address this problem. Council President Broderick referred Mr. Alpert to Business Administrator Bob Albertson and Township Engineer David Birnbaum, and asked that such meeting be scheduled. Philip Weiss - 135 Sunnymede Street - thanked Mayor and Council for their help and support in fighting the water tower application of Gordons Corner Water Company. William Sansone - 434 Bayberry Court - Vice President of the Marlboro Greens Homeowner's Assn. - voiced his support for the settlement of the Karnell litigation, and thanked Mayor and Council for proceeding with their approval of the settlement. He asked that the work which must be completed by August 1st be properly and professionally inspected. Council President Broderick informed Mr. Sansone that Council will proceed with adoption of the resolution settling this case this evening. Robert Tansey - 67 Tennent Road - had been advised that a meeting will take place this evening with Little League Officials. Several children from sixth grade Project Venture, David Schumer and Adam Cooper, Marlboro Elementary School, and Beth Bayer and Tricia Steefel from Robertsville School gave a presentation on their project, Project Kind. They have stressed the need for kindness in their schools and have involved other children by stressing the need for kind deeds. They will declare May 19, 1995 as "Kindness Day" and are in the process of getting schools, churches, synagogues, businesses, the library and the township government to participate and will contact local newspapers. They asked for suggestions and ideas in order to make this day a success. Council President Broderick offered Council's support by adopting a resolution and will ask that the Mayor present a Proclamation and he asked that this matter be discussed at the April 6 workshop meeting. He extended Council's endorsement for this worthwhile project.

Council Speaks Out - Councilman Friedman thanked the children for their presentation, and commended them for expressing the need to show courtesy and kindness. He then congratulated Municipal Clerk Evelyn Piccolini on the birth of her grandson, John Vincent, and expressed his best wishes to the family. Council President Broderick commended Joe Foster, Esq., and Joe Layton, Township Planner, for their assistance in the Gordons Corner Water Co. water tower case. Because of their excellence, the variance application of Gordons Corner Water Company was defeated, and he asked that letters expressing

Council's thanks be sent to them. Council President Broderick commented that an article appearing in a recent News Transcript which stated that the Monmouth County government must be doing something right, as so many people and businesses have chosen to locate here. Also, the fact that so many people wish to locate in Marlboro shows Marlboro's government must be doing something right. He also remarked that he and Council Vice President Colarusso had the opportunity to attend some private briefings by DEP on Imperial Oil. He felt it might be appropriate for Council to consider appointing a special liaison to follow the State's progress in this matter. Council Vice President Colarusso accepted the appointment, and will keep Council informed on this.

Councilman Friedman moved that the minutes of February 9 and 23, 1995 be approved. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

Council President Broderick introduced Res. #66-95 (Commending Roy Levy for Outstanding Service to Little League and Coaching Physically Challenged Children), offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger). The resolution was read and presented to Mr. Levy by Marlboro Little League President Cliff Radisch, who spoke about and Mr. Levy's accomplishments. Congratulations were expressed by all.

RESOLUTION # 66-95

RESOLUTION COMMENDING ROY LEVY FOR HIS OUTSTANDING  
SERVICE TO THE MARLBORO LITTLE LEAGUE AND COACHING  
PHYSICALLY CHALLENGED CHILDREN

WHEREAS the Mayor and Township Council are aware that Roy Levy has been very active for the past eight years with the Marlboro Little League, serving in various capacities as a Manager Chief Umpire, Board Member and Commissioner (Pee-Wee Division); and

WHEREAS, as part of this involvement, Mr. Levy has dedicated much time and effort in coaching and guiding physically challenged children; and

WHEREAS, the Mayor and Township Council wish to take this opportunity to commend Roy Levy for this involvement, and to encourage other residents of the community to follow his lead.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend Roy Levy for his outstanding service to the Marlboro Little League and for his dedicated time and efforts in coaching physically challenged children.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Roy Levy, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #67-95 (Appointment of Council Liaisons) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 67-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following are hereby appointed as Council Liaisons for the remainder of the unexpired term for 1995, as follows:

Howard Tilis - Western Monmouth Utilities Authority

Robert Schipa - Marlboro Township Municipal Utilities Authority

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following is hereby appointed as an additional Council Liaison to serve for the year 1995 as follows:

Larry Goldberg - Marlboro Township Planning Board

The following Resolution #101-95 (Authorization to Settle Karnell Litigation) was introduced by reference, offered by Councilman Friedman, seconded by Councilwoman Marcus, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 101-95

WHEREAS, the Township of Marlboro has been involved in protracted litigation with the Karnell Group, the First Indemnity of America Insurance Co. and Marlboro Greens, Inc, involving a development known as Marlboro Greens; and

WHEREAS, the Township and all other parties have reached a proposed settlement; and

WHEREAS, the settlement is attached as a Consent Order of Dismissal; and

WHEREAS, the proposed settlement has been approved by the Municipal Engineer.

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

1. That the settlement proposal in the form of Consent Order of Dismissal to litigation involving the Township of Marlboro, the Karnell Group, the First Indemnity of America Insurance Co. and Marlboro Greens, Inc. bearing Docket No. MON-L-5301-91 is hereby approved;

2. That the approval is based upon the recommendation of the Municipal Engineer and Special Counsel Arthur Goldzweig, Esq.; and

3. That Special Counsel Arthur Goldzweig, Esq., is hereby authorized to sign the attached Consent Order of Dismissal, which is incorporated herein as though set forth in full; and

4. That a certified copy of this Resolution shall be provided to Special Counsel Arthur Goldzweig, the Township Attorney and all of the parties.

The following Resolution #74-95/Ordinance #15-95 (First Reading - Amending Section 91-9 - Vacancy Decontrol) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger). Councilman Friedman congratulated the homeowners and the landlord for reaching a compromise, and settling this issue in an amicable manner.

RESOLUTION # 74-95

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

ORDINANCE # 15-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 91-9, ENTITLED "VACANCY DECONTROL," OF 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 27, 1995 at 7:30 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 # 15-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 91-9, ENTITLED "VACANCY DECONTROL," OF CHAPTER 91, "MOBILE HOME COMMUNITIES, RENT CONTROL," OF THE "CODE OF THE TOWNSHIP OF

## MARLBORO, NEW JERSEY."

WHEREAS, the Township Council has been requested by the residents of the Wickatunk Village Mobile Homeowners Association to review the provisions of Section 91-9, entitled "Vacancy Decontrol," of the Marlboro Township Code, which currently allows a mobile home park landlord to increase the base rent of a mobile home space or lot within the park by fifteen percent (15%) upon the resale of a mobile home remaining in the same rental space or where a lot or space becomes vacant as a result of the vacating of the mobile home rental space by a previous tenant by the removal by that tenant of his mobile home; and

WHEREAS, the Township Council requested the Rent Control Board to review this matter and make a recommendation to the Council; and

WHEREAS, on February 15, 1995, the Rent Control Board conducted a hearing on this issue, at which representatives of the landlord and tenants of the Wickatunk Village Mobile Home Park participated, resulting in a recommendation of the Board to the Township Council by Resolution; and

WHEREAS, on March 9, 1995, the Township Council discussed the Rent Control Board's recommendation, and the parties agreed to a final resolution of this issue as set forth below.

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

1. That Section 91-9, entitled "Vacancy Decontrol," of Chapter 91, "Mobile Home Communities, Rent Control," of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (additions are underlined; deletions are shown in strikeout):

Section 91-9. Vacancy Decontrol.

Where there is a resale of a mobile home remaining in the same rental space or where a lot or space becomes vacant as a result of the vacating of the mobile home rental space by a previous tenant by the removal of that tenant of his mobile home, the landlord may increase the base rent by fifteen percent (15%), provided that the landlord shall not be entitled to more than one (1) such increase within any five (5) year period. When the landlord exercises its right to increase the base rent pursuant to this section, the landlord shall waive its right during that year to an automatic increase pursuant to Section 91-5 of this Chapter, and shall also waive its right during that year to the tax and cost passthroughs pursuant to Section 91-10 of this Chapter, with the following exception: If the automatic increase plus tax and cost passthroughs for the subject lot are greater than the fifteen percent (15%) vacancy decontrol increase, then the landlord shall be entitled to the higher percentage of either the vacancy

decontrol increase or the total of the automatic increase and the tax and cost passthroughs.

When the landlord raises rent pursuant to this section, the landlord shall file a certified statement with the Rent Control Board confirming this increase. The statement shall include the amount of the base rent prior and subsequent to the increase. The Rent Control Board shall review said certification at its next regular meeting and, if it is satisfactory, shall approve same. Unless the increase violates this section, it shall be effective when the new tenant moves in.

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.

Fred Raffetto, Esq., brought to Council's attention the request of Hovnanian for the vacation of a right-of-way. Dan Murphy, of K. Hovnanian, was present to answer Council's question. The following Resolution #100-95/Ordinance #17-95 (Vacation of Public Right of Way) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 100-95

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

ORDINANCE # 17-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING THE PUBLIC RIGHT IN AND TO AN UNNAMED 33 FOOT WIDE RIGHT-OF-WAY SHOWN ON THE TAX MAP AS BEING LOCATED OFF OF WOOLEYTOWN ROAD, MARLBORO TOWNSHIP, MONMOUTH COUNTY, 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 17, 1995 at 7:30 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 # 17-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING  
THE PUBLIC RIGHT IN AND TO AN UNNAMED 33 FOOT WIDE  
RIGHT-OF-WAY SHOWN ON THE TAX MAP AS BEING LOCATED  
OFF OF WOOLEYTOWN ROAD, MARLBORO TOWNSHIP, MONMOUTH  
COUNTY, NEW JERSEY

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

1. The Township Council has determined, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, 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 unimproved and unnamed right-of-way, 33 feet in width, which currently appears on the Tax Map of the Township of Marlboro as being located off of Wooleytown Road, and which is more particularly described in a Metes and Bounds Description, drawn in accordance with a survey prepared by WJK Engineering Associates, dated May 12, 1986, and recorded in the Office of the Monmouth County Clerk at Deed Book 4784 at Page 0355.

2. The Township Council hereby vacates and extinguishes all public right in and to the said unnamed right-of-way, as described above.

3. Pursuant to N.J.S.A. 40:67-1, 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 by any cable television company, as defined in N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated right-of-way.

4. All costs associated with this Ordinance shall be paid by K. Hovnanian and Company, Inc., the owner of all properties affected by the within vacation.

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

6. This ordinance shall take effect upon completion of the following:

- (a) Final passage and publication in accordance with the law; and
- (b) Proper notification to all persons whose lands may be affected by the within vacation, as required by N.J.S.A. 40:49-6, and N.J.S.A. 40:67-19; and
- (c) Recording of a copy of the Ordinance, under the

seal of the Township and certified to be a true copy thereof, in the office of the County Clerk in the Book of "Vacations" pursuant to N.J.S.A. 40:67-21.

Council President Broderick opened the Public Hearing on Ord. #9-95 (Hospital Zone). As there was no one who wished to speak, the Public Hearing was closed. Discussion followed, and based on the memo from Township Planner Joseph Layton, Council wished to proceed with the amendments suggested by Mr. Layton. As such amendments were substantial, Council proceeded with a First Reading of Ord. #9-95 (As Amended). The following Resolution #68-95/Ord. #9-95 (As Amended) was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 68-95

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

ORDINANCE # 9-95 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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 27, 1995 at 7:30 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 # 9-95 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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. That Chapter 84 of the "Code of the Township of Marlboro, New

Jersey," entitled "Land Use Development and Regulations," be amended so as to reveal the contents of Section 84-57 thereof, entitled "Hospital Zone," in their entirety.

2. That Chapter 84 of the "Code of the Township of Marlboro, New Jersey," be further amended and supplemented so as to create a new zone at Section 84-57 thereof, entitled "Agriculture/Land Conservation District," which shall read as follows:

**Section 84-57 Agriculture/Land Conservation District.**

The following regulations shall apply in the Agriculture/Land Conservation District:

A. Permitted Uses.

(1) Single-family dwellings.

(a) Construction of single-family dwellings within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

- [1] The minimum lot area shall be ten (10) acres; the minimum lot area for flag lots shall be ten (10) acres plus a fifty (50) foot wide access lane.
- [2] The minimum lot frontage shall be four hundred (400) feet; the minimum lot frontage for flag lots shall be fifty (50) feet for the access lane.
- [3] The minimum lot width shall be four hundred (400) feet; the minimum lot width for flag lots shall be four hundred (400) feet for that portion of the lot used as the dwelling site.
- [4] The minimum lot depth shall be five hundred (500) feet; the minimum lot depth for flag lots shall be five hundred (500) feet which shall not include the access lane.
- [5] The minimum front yard setback shall be one hundred fifty (50) feet; the minimum front yard setback for flag lots shall be one hundred fifty (150) feet which shall not include the access lane.
- [6] The minimum side yard setback shall

be one hundred (100) feet.

[7] The minimum rear yard setback shall be one hundred fifty (150) feet.

[8] The maximum building height shall be thirty-five (35) feet.

[9] The maximum percentage of lot coverage shall be five 5% percent.

(b) If lot size averaging (as defined in Section 84-4 of this Chapter) is used, then construction of single-family dwellings within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

[1] The minimum lot area shall be eighty thousand (80,000) square feet, with an overall tract density of no more than .10 lots per acre.

[2] The remainder of the bulk requirements for development shall be the same as those required in the R-80 Zone under Section 84-39C of this Chapter.

- (2) Private hospitals and/or other similar private health care facilities.
- (3) Buildings and grounds associated with institutions of higher learning. An "institution of higher learning" shall be defined for the purposes of this Chapter as any public, parochial or private school, college or university whose enrollment is composed of students who have graduated from secondary (high) school and which is duly approved and licensed to operate by all appropriate educational and state/federal agencies.
- (4) State, County and Municipal parks/recreational facilities. Such parks or facilities may include ballfields, swimming pools, and other similar uses.
- (5) Open Space for passive recreational uses, including but not limited to hiking, fishing, nature preserves, bird watching, and other similar uses.
- (6) Farms, including operations for agriculture and

agricultural purposes as defined in this Chapter. Construction or operation of farms within the Agriculture/Land Conservation District shall be in accordance with the following regulations, notwithstanding the provisions of any other section of this Chapter to the contrary:

- [1] The minimum lot area shall be ten (10) acres.
- [2] The minimum lot frontage shall be four hundred (400) feet.
- [3] The minimum lot width shall be four hundred (400) feet.
- [4] The minimum lot depth shall be five hundred (500) feet.
- [5] The minimum front yard setback shall be one hundred fifty (150) feet.
- [6] The minimum side yard setback shall be one hundred (100) feet.
- [7] The minimum rear yard setback shall be one hundred fifty (150) feet.
- [8] The maximum building height shall be thirty-five (35) feet.
- [9] The maximum percentage of lot coverage shall be five percent (5%).

B. Permitted Accessory Uses.

- (1) All accessory uses permitted in the LC Land Conservation District under Section 84-38B.
- (2) Farm Buildings, greenhouses and other similar structures or buildings which are customary and incidental to agriculture or agricultural purposes as defined in this Chapter.

C. Uses requiring a conditional use permit, subject to the provisions of Article IV of this Chapter.

- (1) Public utilities.
- (2) Churches and places of worship.
- (3) Quasi-public buildings and recreation areas.
- (4) Home professional offices and home occupations.

D. Signs are subject to the provisions of Section 84-62 of this Chapter.

E. Off-street parking is subject to the provisions of Section 84-60 of this Chapter.

F. Fences are subject to the provisions of Section 84-58 of this Chapter.

3. That Subsection 84-29(A) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to delete the reference to the "HD - Hospital Zone," and supplemented to add the "A/LC - Agriculture/Land Conservation District."

4. That the zoning map adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to remove the premises currently located in the "Hospital Zone" from that district, and revised and updated to include said tax lots in the newly created "Agriculture/Land Conservation District."

5. That the Schedule of Area, Yard and Building Requirements adopted at Subsection 84-29(D) and located at "Table I" of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to incorporate the requirements set forth in this ordinance.

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

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

Council President Broderick opened the Public Hearing on Ord. #10-95 (Amending Section 84-30 - General Provisions - Retaining Walls). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #69-95/ Ordinance #10-95 was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 69-95

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

ORDINANCE # 10-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-30, ENTITLED "GENERAL PROVISIONS," OF CHAPTER 84, ENTITLED "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 Broderick opened the Public Hearing on Ord. #11-95 (Amending Section 84-4 - Definitions). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #70-95/Ordinance #11-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and was passed on a roll call vote of 3 - 0 in favor, with Councilman Friedman abstaining (Absent: Metzger).

RESOLUTION # 70-95

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

ORDINANCE # 11-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-4, ENTITLED "DEFINITIONS," OF CHAPTER 84, ENTITLED "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 Broderick announced that Council had received a request by the Planning Board to table the following items, so that specific standards for the rezoned areas can be finalized: Res. #71-95/Ord. #12-95 (Amending Zoning Map and Section 84-41 - R-30 Residential District - Marlboro Heights Site), Res. #72-95/Ord. #13-95 (Amending Zoning Map and Section 84-42.1 - R-1.5 Residential District - Ken World Site) and Res. #73-95/Ord. #14-95 (Amending Zoning Map and Section 84-42.2 - Crine/Tennent Site). Council agreed, and tabled such ordinances to the April 6 meeting.

The following Resolution #75-95/Ord. #16-95 (Amending Fees - Recreation Programs - Summer Camp, Sports Camp and Therapeutic Camp) was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 75-95

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

ORDINANCE # 16-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 117, ENTITLED "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 April 27, 1995 at 7:30 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.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger): Res. #79-95 (Change Order - Construction of Texas Road), Res. #80-95 (Release of Maintenance Bond - Amerada Hess), Res. #81-95 (Release of Cash Maintenance Bond Sanclaire Enterprises/Timber Hill), Res. #82-95 (Bond Reduction Manzo Site Plan), Res. #83-95 (Bond Reduction Hamptons - Section 4), Res. #84-95 (Bond Reduction Meridian Place - Western Monmouth Industrial Park) and Res. #85-95 (Release of Bond for Limited Grading Work - Cambridge Square).

RESOLUTION # 79-95

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS BROTHERS, INC.  
REGARDING THE TEXAS ROAD REHABILITATION PROJECT

WHEREAS the completion of the Texas Road rehabilitation project has been delayed due to problems associated with the acquisition of necessary properties; and

WHEREAS, as a result, the cost to complete the project has increased above the Township's original Contract amount with Lucas Brothers, Inc., as described in the attached letter to the Township Engineer, dated February 9, 1995, from T & M Associates, the Consulting Engineers associated with this project; and

WHEREAS, the Township of Marlboro and Lucas Brothers, Inc., now wish to amend the Contract covering the Texas Road rehabilitation project in order to provide for a new completion date of June 15, 1995, as well as to increase the cost of the Contract by \$20,000.00 (increases the overall Contract cost by approximately 12 percent), in accordance with the terms specified in the attached letter and Change Order.

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 Change Order which shall be considered an amendment to the original Contract between the Township of Marlboro and Lucas Brothers, Inc. regarding construction of the Texas Road rehabilitation project.

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

- a. Lucas Brothers, Inc.
- b. Edward G. Broberg, P.E.  
T & M Associates  
11 Tindall Road  
Middletown, NJ 07748
- c. David Birnbaum, P.E.  
Township Engineer
- d. Robert Albertson, Business Administrator
- e. Sheila Fishkin, Chief Financial Officer
- f. Township Attorney

RESOLUTION # 80-95

RESOLUTION AUTHORIZING THE RELEASE OF  
MAINTENANCE BOND - AMERADA HESS CORPORATION

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Maintenance Bond posted by the Amerada Hess Corporation relating to the Hess gasoline station located at Route 9 in the Township: and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated February 16, 1995, which recommends the release; and

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

\*Copies 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 the Maintenance Bond posted by the Amerada Hess Corporation in the amount of \$3,200.00 shall be reduced to zero and released.

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

- a. Amerada Hess Corporation  
One Hess Plaza  
Woodbridge, New Jersey 07095-0961  
(Attention: Lisa R. Frantz, Sales Representative)
- b. Township Engineer
- c. Township Attorney

RESOLUTION # 81-95

RESOLUTION AUTHORIZING THE RELEASE OF MAINTENANCE BOND -  
SANCLAIRE ENTERPRISES/TIMBER HILL

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Cash Maintenance Bond posted by Sanclaire Enterprises relating to the Timber Hill site: and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated February 17, 1995, which explains the reasons for the release; 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 Cash Maintenance Bond posted by Sanclaire Enterprises for the Timber Hill site, as described in the attached report of the Township Engineers, in the amount of \$1,738.00, shall be released.

2. This release is subject to the consent of the current owners of the site, Calton Homes.

3. 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. Sanclaire Enterprises

c/o Michael Weitz  
 Five Adams Street  
 Morganville, New Jersey 07751

- b. Township Engineer
- c. Township Attorney

RESOLUTION # 82-95

RESOLUTION AUTHORIZING THE REDUCTION OF  
 PERFORMANCE BOND - JOSEPH MANZO

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a site plan in the name of Joseph Manzo, relating to Block 144, Lot 4 (Route 34) 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 William Schultz, P.E., of Crest Engineering Associates, the consulting engineers in charge of inspections for this matter, which has been reviewed and recommended for Council action by the Township Engineers; 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 posted for a site plan in the name of Joseph Manzo, in the current amount of \$263,949.00, shall be reduced by \$72,239.00, so that the amount to remain shall be \$191,710.00.

2. That the Cash Bond posted for a site plan in the name of Joseph Manzo, in the current amount of \$29,328.00, shall be reduced by \$8,026.00, so that the amount to remain shall be \$21,302.00.

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

- (a) Joseph Manzo
- (b) The Ohio Casualty Insurance Company

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

- (c) William F. Schultz, P.E., L.S., P.P.

Crest Engineering Associates, Inc. P.O. Box 1210  
Hightstown, New Jersey 08520

- (d) Township Engineer
- (e) Township Attorney

RESOLUTION # 83-95

RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE  
BOND - THE HAMPTONS, SECTION 4

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a development known as The Hamptons, Section 4; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineers, dated February 15, 1995, and Schoor & DePalma, Inc.; 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 The Hamptons, Section 4, in the original and present amount of \$753,049.00, shall be reduced by \$527,134.00, representing a 70% reduction, so that the amount to remain shall be \$225,915.00.

2. That the Cash Bond for a development known as The Hamptons, Section 4, in the original and present amount of \$83,672.00, shall be reduced by \$58,570.00, representing a 70% reduction, so that the amount to remain shall be \$25,102.00.

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

- a. OLS Corporation
- b. Schoor & DePalma, Inc.  
(Attention: Stewart Alexander, P.E.)
- c. Southeastern Casualty and Indemnity

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

- d. Township Engineer

e. Township Attorney

RESOLUTION # 84-95

RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE  
BOND - MERIDIAN PLACE (WESTERN MONMOUTH INDUSTRIAL PARK)

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a development known as Meridian Place (Western Monmouth Industrial Park): and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated March 2, 1995 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 a development known as Meridian Place (Western Monmouth Industrial Park), in the original and present amount of \$55,133.00, shall be reduced by \$35,756.00, representing a 64.9% reduction, so that the amount to remain shall be \$19,377.00.

2. That the Cash Bond for a development known as Meridian Place (Western Monmouth Industrial Park), in the original and present amount of \$6,125.61, shall be reduced by \$3,972.75, representing a 64.9% reduction, so that the amount to remain shall be \$2,152.86.

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

- a. Paul Tchao, Galinda Wang and Western Monmouth Industrial Park
- 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.

RESOLUTION # 85-95

RESOLUTION AUTHORIZING THE RELEASE OF  
BOND - PIONEER PARTNERS (CAMBRIDGE SQUARE)

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Bond posted by Pioneer Partners/Kramer Group relating to certain work to be performed at the Cambridge Square site: and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated March 1, 1995, which explains the reasons for the release; 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 Bond posted by Pioneer Partners/Kramer Group for the Cambridge Square site, as described in the attached report of the Township Engineers in the amount of \$14,000.00, shall be released.
2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Pioneer Partners, Eli Kramer, Philip Kramer, Sol Kramer and Richard Goldberger
  - b. First Indemnity of America
  - c. Township Engineer
  - d. Township Attorney

The following Resolutions #96-95 (Award of Bid: Recycling - Atlantic Sanitation - \$738,000) and Resolution #97-95 (Tonnage Grant - Recycling) were introduced by reference, offered by Council Vice President Colarusso, and seconded by Council President Broderick. Sidney Leveson, Recycling Coordinator, and Steven Fino, President of Atlantic Sanitation, were present to answer Council's questions. Council President Broderick asked that Atlantic Sanitation work to resolve the recycling situation at the shopping center at Route 79 and School Road West. Mr. Leveson stated he will make sure that all residents are notified that plastics will now be recycled by mailing and posting notices. As there was no objection, the Clerk was asked to cast one ballot on these resolutions.

RESOLUTION # 96-95

BE IT RESOLVED THAT:

1. ATLANTIC SANITATION

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

RECYCLING - 5 YEAR BID

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:

ATLANTIC SANITATION  
184 Boundary Road, Marlboro, N. J. 07746

on their low bid of: \$738,000.

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.

RESOLUTION # 97-95

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 assent 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.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

The following Resolution #76-95 (Supporting Opinions of Marlboro Township Residents on Proposed Closing of Marlboro Hospital) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger). Mayor Scannapieco stated that he will present this resolution with survey attached at the State's March 28th hearing on the closure of the hospital.

RESOLUTION # 76-95

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO SUPPORTING THE OPINIONS EXPRESSED BY RESIDENTS ABOUT THE PROPOSED CLOSING OF MARLBORO STATE PSYCHIATRIC HOSPITAL

WHEREAS, in response to the reports that the State of New Jersey is considering the closure of Marlboro State Psychiatric Hospital, the Mayor and Township Council have commissioned a survey of the residents of our community as to their opinions on the issue; and

WHEREAS, the survey was conducted and prepared by Dr. Stephen A. Salmore, a professor at the Eagleton Institute of Politics and the Bloustein School of Policy and Planning at Rutgers University; and

WHEREAS, Dr. Salmore conducted the survey via telephone interviews of a sample of Marlboro Township residents on February 21 and 22, 1995, the results of which were provided to the Mayor and Township Council in a presentation on March 9, 1995, and in a report, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the results of the survey showed that more residents were in support of the Hospital remaining open than were in favor of its closure, with an overwhelming majority showing concern for the potential closure's consequences on the patients and community at large; and

WHEREAS, the Mayor and Township Council wish to show their

support for the opinions of the Township's residents, as indicated in the attached report. \*SEE ATTACHED

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 support the results of the survey and believe that the State should consider the opinions of the residents of Marlboro Township when making any decision as to the potential closure of Marlboro State Psychiatric Hospital.

2. That the Mayor and Township Council feel that the State should keep Marlboro State Psychiatric Hospital open in view of the many different important services that it provides to the community, including but not limited to:

- a. Quality mental health care for those patients who require such care in an institutional setting;
- b. Employment opportunities for approximately 1,000 individuals, including about 200 of which who reside directly within the Township;
- c. Economic benefits for many local merchants and businesses who provide products or services to the Hospital.

3. That, on the other hand, should the State make a final determination to close Marlboro State Psychiatric Hospital, then there are several critical factors which the Mayor and Township Council feel must be addressed by the State, including but not limited to:

- a. The welfare of all current patients at the Hospital, including considerations as to where these individuals will be re-located to and whether they will be able to receive similar quality mental health care services after the Hospital's closure;
- b. The establishment of a compassionate program to find new employment opportunities or provide new job training for the current employees of the Hospital in order to lessen the impact of the Hospital's closing on them;
- c. A determination as to what the State intends to do with respect to the privately run rehabilitation facilities which currently lease property from the

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

State to operate on the grounds of the Marlboro State Psychiatric Hospital site, such as "New Hope" and "Discovery House";

- d. A plan for alternative uses of the Hospital property that will result in positive additions to the community, both to the public at large and to the tax base of Marlboro Township, such as through dedicating a portion of the property for park use (either County or Municipal), and through using the remaining property for educational purposes or for a corporate headquarters.

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

- a. Governor Christine Todd Whitman
- b. Peter G. Verniero, Esq., Chief of Staff  
Office of the Governor
- c. William Waldman, Commissioner  
New Jersey Department of Human Services
- d. William H. Fauver, Commissioner  
New Jersey Department of Corrections
- e. Honorable John O. Bennett, III,  
New Jersey State Senator
- f. Honorable Clare Farragher,  
New Jersey General Assembly
- g. Honorable Michael Arnone,  
New Jersey General Assembly
- h. Monmouth County Board of Chosen Freeholders
- i. Gregory Robert, C.E.O.  
Marlboro Psychiatric Hospital
- j. Municipal Clerks, all adjoining municipalities

The following Resolution #77-95 (Petitioning COAH for Substantive Certification of Housing Element and Fair Share Plan) was introduced by reference, offered by Council President Broderick, seconded by Councilman Friedman and was passed on a roll call vote of 3 - 0 in favor, with Council President Broderick abstaining (Absent: Metzger).

RESOLUTION #77-95

RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF  
 MARLBORO PETITIONING THE COUNCIL ON AFFORDABLE HOUSING  
 (COAH) FOR SUBSTANTIVE CERTIFICATION OF THE TOWNSHIP'S  
 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Marlboro Township Planning Board has considered the Housing Element and Fair Share Plan, prepared by Maser Sosinski & Associates, P.A., at a meeting of the Planning Board held on March 15, 1995, and, after a public hearing, did adopt said "Housing Element and Fair Share Plan" as part of the Master Plan of the Township of Marlboro; and

WHEREAS, Marlboro Township desires to petition the Council on Affordable Housing (COAH) for substantive certification of this plan.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the Housing Element of the Township of Marlboro, as adopted by the Planning Board of the Township of Marlboro as a part of the Master Plan thereof, be submitted to COAH together with the Fair Share Plan and that this Resolution be considered by COAH as a petition for substantive certification by the Township of Marlboro; and

BE IT FURTHER RESOLVED that the Township of Marlboro be authorized to publish notice of the petition for substantive certification in a newspaper of county wide circulation (Asbury Park Press) and that a copy of this Resolution and the adopted Housing Element and proposed Fair Share Plan and supporting documentation be made available for public inspection at the office of the Marlboro Township Clerk during regular business hours at 1979 Township Drive, Marlboro, New Jersey on Monday through Friday, for a period of at least 45 days following the date of publication of said legal notice.

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

1. New Jersey Council on Affordable Housing  
 101 South Broad Street  
 Trenton, NJ 08625  
 (Attn: Pamela Yallowitz)
2. Joseph Layton, P.P., A.I.C.P.  
 Maser Sosinski & Associates, P.A.  
 30 Freneau Avenue (Rte.. 79)  
 Matawan, NJ 07747
3. Marlboro Township Planning Board
4. Dennis Collins, Esq.  
 Planning Board Attorney

## 5. Township Attorney

The following Resolution #78-95 (Authorizing Issuance of One Plenary Retail Consumption License and One Plenary Retail Distribution License) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 78-95

RESOLUTION OF THE MAYOR AND TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE  
OF ONE (1) PLENARY RETAIL CONSUMPTION LICENSE  
AND ONE (1) PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, the Population Quota Law (N.J.S.A. 33:1-12.14) provides for the conditions under which local issuing authorities may issue new plenary retail licenses; and

WHEREAS, based upon the certified federal census figures provided by the New Jersey Secretary of State, the population of the Township of Marlboro is 28,740 which qualifies the Township to issue nine (9) plenary retail consumption licenses and three (3) plenary retail distribution licenses; and

WHEREAS, the Township of Marlboro currently has eight (8) plenary retail consumption licenses and two (2) plenary retail distribution licenses outstanding;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that it intends to hold two (2) separate, but concurrent, public sealed bid sales, pursuant to authority granted at N.J.S.A. 33: 1 -19 et. seq. of the following:

1. One (1) plenary retail consumption license
2. One (1) plenary retail distribution license.

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. All bidders must be qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the Alcoholic Beverage Control Act, the regulations promulgated thereunder and any applicable Code provision of the Township of Marlboro.

2. It is the intent of the Mayor and Township Council to attract bidders interested in utilizing the plenary retail consumption license in a restaurant (as defined at N.J.S.A. 33:1-1(t)).

3. To assure feasibility of establishing a restaurant, bidders for the plenary retail consumption license must present, along with its sealed bid, certifications of intent to operate a 100 seat minimum restaurant to be located on Route 9, Route 79 or on Route 34.

4. To assure the establishment of a distribution center with long term stability, bidders for the plenary retail distribution license must present, along with its sealed bid, certifications of intent to operate a minimum 3,500 square foot premises for the distribution of alcoholic beverages.

5. The minimum bid for the sealed bid public sale of the plenary retail consumption license is \$225,000.00. The minimum bid for the sealed bid public sale of the plenary retail distribution license is \$175,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

6. All prospective bidders for the licenses shall apply by submitting to the Clerk of the Township of Marlboro the following:

- a. A full and complete twelve (12) page ABC license application form.
- b. A separately sealed envelope with the applicants' bid and 10% bid deposit fee (by bank check, certified check or attorney trust check).
- c. A Certification of Proof of compliance by the applicant that it meets any and all special conditions or requirements contained in the Notice and knows of no reason why it would be disqualified from having an interest in a retail license in New Jersey.

7. The successful bidder must present full payment in any of the above- approved modes of payment upon the earlier of the following: The issuance of a Certificate of Occupancy or by December 31, 1995, whichever occurs first.

8. It is the intent of the Mayor and Township Council to award the licenses to the persons who are the highest qualified bidders for the respective consumption and distribution licenses. The determination of where the licenses will be sited is to be determined through the statutory place-to-place application process.

BE IT FURTHER RESOLVED that notice of the public sale of the alcoholic beverage licenses be in conformance with N.J.S.A.  
33: 1 -19.4.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot: Res. #86-95 (Temporary Budget - one-twelfth), Res. #87-95 (Temporary Budget - Swim Division), Res. #88-95 (Tax Court Judgment), Res. #89-95 (Duplicate Payment Refund), Res. #90-95 (Redemption Tax Sale Certificate), Res. #91-95 (Disallowing Senior Citizen Deductions - Various), and Res. #92-95 (Continuing Insurance Coverage to Employees - Furman & McDonagh, Broker and New England).

RESOLUTION # 86-95

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contracts, 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 contracts, 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 \$1,148,479.84 does not exceed one-twelfth percent of the total Budget Appropriations of the Township of Marlboro for 1994 exclusive of any appropriations made for debt service, or capital improvement fund;

THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro for the year 1995 be adopted, and a certified copy of the Resolution be forwarded to the Township Finance Director for his records.

TOWNSHIP OF MARLBORO  
TEMPORARY BUDGET  
1995

Administrative & Executive

Salaries & Wages	
Mayor	1,800.00
Council	11,000.00
Administration	11,000.00
Other Expenses	
Mayor	- 0 -
Council	2,000.00
Administration	15,000.00
Elections	1,000.00

## Financial Administration

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

## Assessment of Taxes

Salaries & Wages	10,000.00
Other Expenses	5,000.00

## Collection of Taxes

Salaries & Wages	10,000.00
Other Expenses	3,000.00

## Liquidation of Tax Title Liens

3,000.00

## Legal Services &amp; Costs

Salaries & Wages	13,000.00
Other Expenses	20,000.00

## Engineering

Salaries & Wages	15,000.00
Other Expenses	5,000.00

## Building Maintenance

Salaries & Wages	5,000.00
Other Expenses	5,000.00

## State Construction Code

Salaries & Wages	25,000.00
Other Expenses	5,000.00

## Planning Board

Salaries & Wages	3,000.00
Other Expenses	2,000.00

## Health Benefits

20,000.00

## General Insurance

15,000.00

## Surety Bond

1,100.00

## Public Safety

Salaries & Wages	
Police	325,000.00
Fire Prevention	4,000.00

Highway Safety	10,000.00
Other Expenses	
Police	30,000.00
Fire Prevention	500.00
Highway Safety	5,000.00
Emergency Management	
Other Expenses	- 0 -
Crime Prevention	
Other Expenses	- 0 -
Sanitation	
Salaries & Wages	- 0 -
Other Expenses	2,000.00
Recycling	
Salaries & Wages	- 0 -
Other Expenses	20,000.00
Public Works	
Salaries & Wages	
Road Maintenance	55,500.00
Equipment Maintenance	20,000.00
Grounds Maintenance	30,000.00
Other Expenses	
Road Maintenance	25,000.00
Equipment Maintenance	5,000.00
Grounds Maintenance	5,000.00
Health & Welfare	
Salaries & Wages	
Health Services - Registrar	335.00
Public Assistance	1,700.00
Drug Control	535.00
Dog Regulations	
Other Expenses	1,000.00
Recreation & Education	
Salaries & Wages	25,000.00
Other Expenses	5,000.00

Expenses of the Library	- 0 -
Utilities	
Street Lighting	25,000.00
Electric	5,000.00
Telephone	5,000.00
Water	500.00
Sewer	- 0 -
Heating Oil	2,000.00
Natural Gas	- 0 -
Diesel Oil	5,000.00
Gasoline	6,000.00
Police & Fire Retirement System	228,168.00
Public Employees Retirement System	18,041.84
Social Security	- 0 -
Unemployment	1,000.00
Municipal Court	
Salaries & Wages	16,000.00
Other Expenses	5,000.00
Affordable Housing	
Salaries & Wages	2,000.00
Other Expenses	- 0 -
911 Expenses	
Salaries Wages	24,000.00
Other Expenses	- 0 -
Clean Communities	
Salaries & Wages	- 0 -
Other Expenses	- 0 -
Drug Alliance	
Salaries & Wages	2,300.00
Other Expenses	<u>1,000.00</u>
Total Operating Budget	\$1,148,479.84

RESOLUTION # 87-95

WHEREAS, in the normal operation of the business of the Township of Marlboro, it will be necessary for making contracts,

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 contracts, 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 \$15,000.00 does not exceed one-twelfth percent of the total Budget Appropriations of the Township of Marlboro Swim Utility for 1994 exclusive of any appropriations made for debt service, or capital improvement fund;

THEREFORE, BE IT RESOLVED that the following Temporary Budget for the Township of Marlboro Swim Pool Utility for the year 1995 be adopted, and a certified copy of the Resolution be forwarded to the Township Finance Director for his records.

TOWNSHIP OF MARLBORO  
SWIM POOL UTILITY  
TEMPORARY BUDGET  
1995

SWIM POOL UTILITY

Salaries & Wages	\$15,000.00
Total Operating Budget	\$15,000.00

RESOLUTION # 88-95

WHEREAS, the Tax Court of New Jersey has granted a judgment for the year 1994 as per the attached Schedule "A",

WHEREAS the 1994 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$12,384.27 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$12,384.27.

SCHEDULE A"

BLOCK/LOT	ASSESSED OWNER	1994 REFUND
268.01/44 Route 9	Alan R. Hammer, Esq. Brach, Eichler, Rosenberg, Silver Bernstein, Hammer & Gladstone 101 Eisenhower Parkway	\$12,384.27

Roseland, NJ 07068-1067  
re: Marlboro Square, L.L.C.

AMOUNT TO BE REFUNDED: \$12,384.27

RESOLUTION # 89-95

WHEREAS, the attached list in the amount of \$1,557.67, known as Schedule "A", is comprised of amounts representing duplicate payments for 1995 first quarter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$1,557.67 to the respective taxpayers.

SCHEDULE "A"

BLOCK	ASSESSED OWNER	AMOUNT
374 13 3 Homestead Circle	Edward Louie (former owner) c/o Frederick Chung, Jr. Esq. 110 Lafayette Street Suite 203 New York, NY 10013	\$1,557.67
TOTAL -----		\$1,557.67

RESOLUTION # 90-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$6,588.36 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 \$6,588.36 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
93-2 Greenwood Road	104/1	Thomas L. or Frances G. Brennan	364.18
93-19 Tylers Lane	146/34	LBM Corfacts	4,798.71

94-29	178/2/C0379	Lamar Life Insurance Co.	1,252.41
Yorkshire Place			
94-69	396/1/C0208	Paul Plaskon	<u>173.06</u>
Pear Drive			
TOTAL -----			6,588.36

RESOLUTION # 91-95

WHEREAS, the Tax Collector has disallowed Senior Citizen deductions for the year 1994 in the amount of \$1,500.00 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 \$1,500.00 to the current assessed owners as per the above-mentioned Schedule "A".

SCHEDULE A"

<u>BLOCK</u>	<u>LOT</u>	<u>CURRENT ASSESSED OWNER</u>	<u>AMOUNT CHARGED BACK</u>	<u>PERMANENTLY REMOVED</u>
122	30	Lawson, Cornelia L. 10 Orchard Place	\$250.00	No
151	2	Wilden, Johannes & Hannelore 151 Harnley Road	250.00	No
172	45	Shellock, Walter & Betty 282 Tennent Road	250.00	No
172	55	Weber, Ralph & Adeline 228 Tennent Road	250.00	Yes
288	29 C0302	Weiss, Burton & Roslyn 302 Sunshine Court	250.00	No
299	128	Gadowski, Claire 5 Bauers Lane	250.00	No
TOTAL -----			\$1,500.00	

The following Resolution was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 92-95

RESOLUTION PROVIDING MEDICAL, DENTAL AND LIFE  
INSURANCE COVERAGE TO EMPLOYEES OF THE TOWNSHIP

WHEREAS, the Township of Marlboro is desirous of providing medical, dental and life insurance coverage for employees of the Township through a self-funded program, with The New England Insurance and Investment Company ("New England") serving as the third party administrator; and

WHEREAS, the Business Administrator has recommended to the Mayor and Township Council that the Township provide its medical insurance in this manner; and

WHEREAS, the Business Administrator has recommended that William Furman of Furman & McDonagh, 280 Corporate Center, 6 Becker Farm Road, Roseland, New Jersey, 07068-1735, represent the Township of Marlboro as the insurance broker to service the policy; and

WHEREAS, the Business Administrator has certified that the proposed contracts, as amended, with New England and Furman McDonagh are for an extraordinary, unspecifiable service in accordance with the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget, after adoption, for purposes of financing the medical, dental and life insurance as specified above.

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 Municipal Clerk are hereby authorized and directed to execute the necessary documents with New England and Furman & McDonagh to provide the above insurance coverage.

2. That these contracts are awarded without competitive bidding as an extraordinary, unspecifiable service in accordance with N.J.S.A. 40A:11-5 (1) (a) of the Local Public Contracts Law.

3. That notice of this action shall be published in the Asbury Park Press.

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

- a. The New England Insurance and Investment Company  
50 Main Street, 5th Floor  
White Plains, NY 10806

- b. William Furman  
Furman & McDonagh  
280 Corporate Center  
6 Becker Farm Road  
Roseland, NJ 07068-1735
- c. Robert J. Albertson, Business Administrator
- d. Township Auditor
- e. Township Chief Financial Officer
- f. Township Attorney

The following Resolution #93-95 (Authorizing Increase in Contract - T & M Assoc. - Gong vs. Township) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilwoman Marcus. Councilman Friedman asked Township Attorney John Bennett for an itemized list of expenditures from T & M, which will be provided. Mayor Scannapieco explained the necessity for additional funding for this case. As there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 93-95

RESOLUTION AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS  
FOR THE PROFESSIONAL SERVICES OF T & M ASSOCIATES FOR A LITIGATION  
MATTER KNOWN AS GONG VS. TOWNSHIP OF MARLBORO

WHEREAS, on May 12, 1994, the Township Council passed Resolution No. 161-94, authorizing the Township to enter into a professional service contract with T & M Associates to provide professional planning, environmental engineering and technical services in order to assist the Township Attorney in the matter known as Gong vs. Township of Marlboro, bearing Docket Number MON-L-2210-92; and

WHEREAS, due to the volume of work associated with this matter, the full amount of authorized funds per Resolution No. 161-90 (\$15,000.00) has been expended; and

WHEREAS, the Township Council now wishes to authorize the expenditure of additional funds for this contract in an amount sufficient to cover the remaining expenses associated with this matter.

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

1. That the cap as to expenditure on the professional service contract between the Township of Marlboro and T & M Associates for the matter listed above is hereby increased by an additional \$15,000.00 from this point forward, so that the overall

amount of funds authorized under this contract shall be equivalent to a combined total of \$30,000.00.

2. That further approval of the Township Council shall be required for any expenditures which exceed this new amount.

3. That the remainder of Resolution No. 161-94 shall remain in full force and effect.

4. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for the services outlined hereinabove for the year 1995 and attach same to this Resolution.

5. That this Resolution is adopted as an amendment to a previous Resolution which authorized a contract to be awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1A)(A) of the Local Public Contracts Law Of New Jersey.

6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- (a) T & M Associates
- (b) Sheila Fishkin, Chief Financial Officer
- (c) Robert Albertson, Business Administrator
- (d) Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger): Res. #94-95 (Authorizing Agreement JCP&L - Electric Service for Morganville Senior Citizen Building) and Res. #95-95 (Authorization to Bid: Lights at Swim Facility, Catch Basin Cleaner and Sewer Jet).

RESOLUTION # 94-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A RIGHT OF WAY AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT COMPANY AND BELL ATLANTIC OF NEW JERSEY, INC.  
FOR THE MARLBORO SENIOR CITIZEN'S CENTER

WHEREAS, Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., have advised that it is necessary for the Township of Marlboro to execute a Right of Way Agreement

in order to facilitate new electric service to be supplied to the Marlboro Senior Citizen's Center, located at Block 108, Lot 1 (176 Texas Road) within the Township; and

WHEREAS, Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., have submitted the attached Right of Way Agreement, in order to provide for the necessary connection, which must be recorded with the Monmouth County Clerk's Office.

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

1. That it hereby authorizes the Mayor to execute and the Township Clerk to attest the attached Right of Way Agreement, between the Township of Marlboro and Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., relating to the Marlboro Senior Citizen's Center, and record same with the County Clerk's Office.
2. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Jersey Central Power & Light Company  
300 Madison Avenue  
P.O. Box 1911  
Morristown, NJ 07962-1911  
(Attn: Calvin Horsley,  
Real Estate Representative)
  - b. Bell Atlantic of New Jersey, Inc.
  - c. Robert J. Albertson, Business Administrator
  - d. Township Engineer
  - e. Township Attorney

RESOLUTION # 95-95

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:

Lights at Swim Facility  
Catch Basin Cleaner  
Sewer Jet

The following Res. #98-95 (Authorizing Agreement FOP) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 98-95

RESOLUTION AUTHORIZING THE EXECUTION OF A  
 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
 TOWNSHIP OF MARLBORO AND THE FRATERNAL  
 ORDER OF POLICE (SERGEANTS AND LIEUTENANTS)

WHEREAS, the Township of Marlboro and the Fraternal Order of Police (Sergeants and Lieutenants) have reached an agreement with respect to a successor Collective Bargaining Agreement for 1995 1996.

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 (Sergeants and 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:

- a. Robert Albertson, Business Administrator
- b. Sheila Fishkin, Chief Financial Officer
- c. Fraternal Order of Police
- d. Lt. Hall, FOP Representative
- e. Township Attorney

The following Resolution #99-95 (Exempt Fireman - Robert L. Emmons, Jr.) was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick and as there was no objection, the Clerk was asked to cast one ballot (Absent: Metzger).

RESOLUTION # 99-95

WHEREAS, ROBERT L. EMMONS, JR. has served in the MARLBORO FIRE COMPANY, as a member of the Company for a period of seven years, and

WHEREAS, the MARLBORO FIRE COMPANY has recommended to the Marlboro Township Council that ROBERT L. EMMONS, JR. be designated an Exempt Fireman pursuant to N.J.S.40A:14-56 and,

WHEREAS, it has been certified to the Township Council that ROBERT L. EMMONS, JR. 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 ROBERT L. EMMONS, JR. as a 7 year Exempt Fireman pursuant to N.J.S. 40A:14-56.
2. That the Township Council extends its congratulations and thanks to ROBERT L. EMMONS, JR. for his services as a Volunteer during the past 7 years.

Public Session - There was no one who wished to speak.

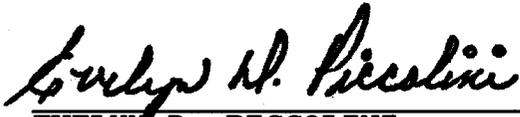
Administrative Report - Business Administrator Bob Albertson announced that Student Government Day will be held on April 11th, and a preparatory session for students will be held on April 7th. Mr. Albertson told Council that he has been informed by the Monmouth County Health Department is in the process of performing a detailed analysis of all the ground surrounding Imperial Oil. The Health Dept. will advise each property owner individually of conditions. The Monmouth County Health Dept. has set up a team to assist these property owners. Fred Raffetto, Esq., brought to Council's attention that the Zoning Officer has received a request to transfer a junkyard license from one corporate name to another. Council President Broderick asked that this be put on the April 6th agenda. Mayor Scannapieco stated he had received a letter from Michael DeCicco, Regional Manager (New Jersey Transit) stating there will be a meeting on April 12th. Deputy Mayor Lein will attend for him, as there is a DARE graduation that evening. The purpose of this meeting is to present results from the ongoing preliminary screening of alternatives, and Deputy Mayor Lein will inform Council on the outcome. The Mayor announced that the DARE graduations will be held on April 10, 11, and 12 at 7:30 and April 24 at 8 PM and May 1 at 7:30 PM.

At 9:50 PM, Council Vice President Colarusso 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: April 27, 1995

OFFERED BY: Broderick AYES: 5

SECONDED BY: Colarusso NAYS: 0



EVELYN D. PICCOLINI  
MUNICIPAL CLERK



THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

April 6, 1995

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on April 6, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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 #102-95 (Transfer of Junkyard License - Underwriters Salvage to Insurance Auto Auction Corp. - Texas Rd.) was introduced by reference, offered by Council Vice President Colarusso, and seconded by Council President Broderick. Zoning Officer Frances Kessler was present to answer Council's questions, as well as Michael Foxman, the manager of Insurance Auto Auctions. Council was assured that there will be no change in this operation, and that this is merely a name change. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 102-95

RESOLUTION AUTHORIZING THE TRANSFER OF A  
MOTOR VEHICLE JUNKYARD LICENSE FROM UNDERWRITERS  
SALVAGE TO INSURANCE AUTO AUCTIONS CORP.-  
BLOCK 146, LOTS 28,30,31 AND 33 (TEXAS ROAD)

WHEREAS, Chapter 82 of the "Code of the Township of Marlboro, New Jersey" governs the issuance and transferability of motor vehicle junkyard licenses within the Township; and

WHEREAS, Section 82-2 of the Code restricts the overall number of junkyard licenses to no more than those eleven (11) licenses which were legally operating as of August 12, 1982; and

WHEREAS, Chapter 82 further provides that such licenses shall not be transferable by the holder and that the authority for issuing licenses rests with the governing body; and

WHEREAS, the Zoning Officer has advised that one of the holders of a junkyard license within the Township, "Underwriters Salvage," wishes to transfer its license to another entity known as "Insurance Auto Auctions Corp."; and

WHEREAS, Underwriters Salvage currently operates a business at property located at Block 146, Lots 28, 30, 31 and 33 (426 Texas Road, Morganville) within the Township, which property is in the assessed ownership of Midway Auto, Inc.; and

WHEREAS, the Zoning Officer has advised the Mayor and Township Council that no increase in the amount of property to be used for junkyard purposes is being sought and that the current transfer of the license is merely to effectuate a new corporate name; and

WHEREAS, the Zoning Officer has recommended to the Mayor and Township Council that the license currently held by Underwriters Salvage for the above properties be revoked and re-issued to Insurance Auto Auctions Corp.; and

WHEREAS, the governing body having considered the above now wishes to take the following action.

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

1. That the license heretofore issued by the Township of Marlboro to Underwriters Salvage to operate a motor vehicle junkyard at property known as Block 146, Lots 28, 30, 31 and 33 (426 Texas Road, Morganville) is hereby revoked and a new license shall hereby be re-issued for said property to Insurance Auto Auctions Corp. for the reasons set forth above.

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

- a. Underwriters Salvage
- b. Insurance Auto Auctions Corp.
- c. Midway Auto, Inc.
- d. Frances Kessler, Zoning Officer
- e. Township Attorney

The following Resolution #103-95 (Award of Bid: Snack Bar - Swim Pool Facility) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as

there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 103-95

BE IT RESOLVED THAT:

1. HARRY SCHWARTZ, INC.  
be and they are determined to be the highest bidder covering the following work, labor and/or materials:

Swim Club Snack Bar

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:

Harry Schwartz, Inc.  
3 Stone Lane, Marlboro, N. J. 07746

on their high bid of: \$18,720.

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 #104-95 (In Rem Foreclosures - Adding Two Parcels) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 104-95

RESOLUTION AUTHORIZING ADDITIONAL PROPERTIES  
TO BE INCLUDED IN THE MARLBORO TOWNSHIP IN REM  
TAX FORECLOSURE ACTION

WHEREAS, the Marlboro Township Council has previously passed Resolutions authorizing the Township Attorney to institute In Rem tax foreclosure proceedings against certain properties upon which tax liens are eligible for foreclosure, pursuant to N.J.S.A. 54:5-104.29 et. seq.; and

WHEREAS, since the passage of those Resolutions, additional properties have become eligible to be included in the foreclosure action; and

WHEREAS, the Township Council now wishes to authorize the Township Attorney to include those additional properties in the foreclosure action.

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

1. That Block 147, Lots 23 and 24, which are assessed to Tomasello Construction Company, are hereby added to the list of those properties which are eligible for In Rem tax foreclosure proceedings in accordance with N.J.S.A. 54:5-104.29 et. seq.

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

- a. Edward C. Eastman, Jr., Esq.
- b. Shirley Giaquinto, Tax Collector
- c. Township Attorney

The following Resolution #105-95 (Ryan Road Project - Extension of Time) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 105-95

RESOLUTION REQUESTING ADDITIONAL EXTENSION OF TIME TO AWARD  
CONTRACT - RYAN ROAD REHABILITATION PROJECT

WHEREAS, the New Jersey Department of Transportation (N.J.D.O.T.) is providing State funding to the Township of Marlboro through a Transportation Trust Grant in order to assist with the rehabilitation and improvements to be performed to Ryan Road; and

WHEREAS, the N.J.D.O.T. Transportation Trust Grant originally required that a construction contract covering the said rehabilitation and improvements be awarded on or before October 12, 1994; and

WHEREAS, this deadline was extended to April 12, 1995, due to the necessity for acquisition of twelve (12) properties which are located adjacent to Ryan Road; and

WHEREAS, it has become apparent at this time that the Township must ask for a further extension of the award of the bid deadline for an additional five (5) months (to September 12, 1995) due to the circumstances set forth in the attached letter from the Township Assistant Engineer, Dean Staknys, P.E., to Mr. Michael Russo of the N.J.D.O.T., dated March 15, 1995, which is 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 we hereby request the N.J.D.O.T. to grant the Township with an extension of five (5) months from April 12, 1995 (to September 12, 1995) in order to award the construction contract

associated with the rehabilitation and improvements to Ryan Road, Marlboro Township, New Jersey.

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

- a. New Jersey Department of Transportation  
(Attention: Michael Russo)  
Bureau of Local Aid Region III  
Route 79 & Daniels Way  
Freehold, New Jersey 07728
- b. Richard M. Maser, P.E., P.P.  
Maser Sosinski & Associates, P.A.
- e. Township Engineer
- d. Township Attorney

The following Resolution #106-95 (Ryan Road Project - Change in Contract - Maser Sosinski) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 106-95

RESOLUTION AUTHORIZING ADDITIONAL ENGINEERING  
SERVICES TO BE PROVIDED BY MASER SOSINSKI &  
ASSOCIATES, P.A. RELATING TO THE RYAN  
ROAD IMPROVEMENT PROJECT

WHEREAS, the Township of Marlboro has previously entered into a contract with Maser Sosinski & Associates, P.A., in order to provide engineering services relating to the Ryan Road improvement project; and

WHEREAS, during the course of the design of the said project, several unanticipated issues have arisen which are outlined in a letter to the Mayor and Council from Dean Staknys, P.E., dated March 31, 1995, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Maser Sosinski & Associates, P.A., have submitted a proposal to perform the additional engineering services for a lump sum of \$5,900.00, which would be in addition to their original contract; and

WHEREAS, the Township Engineers have recommended that the Township authorize Maser Sosinski & Associates to perform these additional engineering services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be made available for public inspection in the office of the Municipal Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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 Maser Sosinski & Associates, P.A., in connection with the above additional engineering services relating to the Ryan Road improvement project, which are more specifically described in the agreement and letter from Dean Staknys, as referenced above.

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)(i) of the Local Public Contracts Law. of New Jersey.

3. That the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and attach same to this Resolution.

4. That notice of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Maser Sosinski & Associates, P.A.  
(Attention: Richard M. Maser, P.E., P.P.)
- b. Dean Staknys, P.E.
- c. Sheila Fishkin, Chief Financial Officer
- d. Robert Albertson, Business Administrator
- e. Township Attorney

The following Resolution #107-95 (Consenting to Amendment to Wastewater Management Plan - WMUA) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 107-95

RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL  
ENDORING AN AMENDMENT TO THE W.M.U.A. WASTEWATER  
MANAGEMENT PLAN IN ORDER TO PERMIT BEACON HILL  
ROAD ASSOCIATES TO PROVIDE SANITARY SEWER SERVICES  
TO CERTAIN PROPERTIES WITHIN THE TOWNSHIP

WHEREAS, the Western Monmouth utilities Authority (W.M.U.A.) has been requested by Beacon Hill Associates to amend its Wastewater Management Plan to provide sanitary sewer services to a 16-lot subdivision off of Beacon Hill Road, which property is currently known and designated as Block 132, Lot 20 and Block 153, Lot 10 on the Tax Map of the Township of Marlboro: and

WHEREAS, prior to making any decisions on this request, the W. M. U.A. has requested comments from the Township Council and Planning Board as to the potential sewer extensions: and

WHEREAS, by letter dated March 1, 1995, the Planning Board Attorney, Dennis Collins, Esq., advised the W.M.U.A. of the Planning Board's conceptual endorsement of the amendment; and

WHEREAS, in granting its conceptual approval, the Planning Board recognized the fact that providing sewer services to this area of the Township was in the best interests of the municipality since, among other things, it would reduce the amount of tree removal required for the development and reduce the environmental impacts on the site; and

WHEREAS, the Council is aware that the provision of sanitary sewer services by the developer to this subdivision shall in no way increase the density of the previously approved subdivision nor cause an expansion of such sewer services to adjacent properties; and

WHEREAS, having considered the above, the Township Council is of the opinion that the provision of such sanitary sewer services to the above subdivision is in the best interests of the health, safety and welfare of the residents of the Township.

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

1. That it hereby supports the provision of sanitary sewer services by Beacon Hill Associates to a 16-lot subdivision off of Beacon Hill Road, known currently as Block 132, Lot 20 and Block 153, Lot 10, for the reasons expressed above and by the Planning Board.

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

- a. Russell Nerlick, Executive Director  
Western Monmouth Utilities Authority
- b. James J. Cleary, Esq.
- c. Beacon Hill Associates, L.L.C.  
30 Freneau Avenue  
Matawan, NJ 07747
- d. Marlboro Township Planning Board
- e. Dennis Collins, Esq.
- f. Township Attorney

Item 7 (Res. #108-95/Ord. #18-95 - First Reading - Amendment to Salary Ord. 1995 - Inspector/Complaint Investigator) and Item 8 (Res. #109-95/Ord. #19-95 - First Reading - Amend Chapter 4: Department of Code Enforcement) will be discussed in executive session later in the meeting, as they pertain to personnel.

Council then discussed Item 8A (Presentation - Alan Kaufman/ Marlboro Hospital). Alan Kaufman, Director of the N. J. Division of Mental Health Services, and Theresa Wilson, Assistant Director Central Region Mental Health Services, were present and spoke about the possible closing of Marlboro Psychiatric Hospital. They discussed the plan, and the effect it would have on the township. Mr. Kaufman stated that the decision will be made sometime before July 1st. Council asked all pertinent questions, and after discussion, asked that the township attorney draft a resolution supporting legislation (A-932 and S-1792) to require the Commissioner of Human Services to follow certain procedures before temporarily or permanently removing patients residing in a State Psychiatric Hospital. This resolution was moved to the April 27 agenda.

Council then discussed Item 9 (Kindness Day - Resolution/ Proclamation). Councilman Metzger will act as coordinator for this event with Robertsville and Marlboro Elementary Schools, and Council will be adopting a resolution for Kindness Day, and the Mayor will be enacting a Proclamation, at the April 27 meeting.

Council then discussed Item 10 (Health Benefits - Retirees). Councilman Friedman asked that Council consider providing coverage for non-aligned employees, as a supplement to Medicare, upon the employee reaching age 65. He distributed a information package to each member of Council, which outlined the plans of AARP, specifically Plan J, the cost for which is \$122.25 per person, per month. He asked that Council

consider a 70/30 co-pay. He stated that by the year 2000, it would only be about 7 people. He asked that Council consider this option, and amending Res. 23-95 to allow the retiree to get health benefits even if their spouse has coverage elsewhere. Council was amenable to his suggestions, but they asked that Municipal Clerk Evelyn Piccolini work with Sarah Eagelfeld on calculating the projected cost. This will be discussed at a later date.

Regarding Item 11 (Cemetery Consultant), Township Attorney John Bennett asked that Council consider hiring George Doherty, Esq., who is very knowledgeable on cemetery laws in the State, as a special consultant on a as-needed basis, with a \$2,500 cap. Council agreed, and moved this resolution to the April 27th meeting.

The following items were carried to the April 27 meeting, after Council President Broderick stated that the Planning Board had acted on these ordinances last evening, and that their findings are being forwarded to Council prior to the next meeting: Item 21 (Res. #71-95/Ord. #12-95 (First Reading - As Amended - Amending Zoning Map and Section 84-41 - R-30 Residential District - Marlboro Heights Site), Item 22 (Res. #72-95/Ord. #13-95 (First Reading - As Amended - Amending Zoning Map & Section 84-42.1 - R-1.5 Residential District - Ken World Site) and Item 23 (First Reading - As Amended - Amending Zoning Map & Section 84-42.2 - R-10 Residential District) - Crine/Tennent Site).

Township Attorney John Bennett asked that Council consider taking action on Item 19 (Amending Section 84-40.1 - R-40/30 District and Section 84-29 - Zoning Map - Crine Realty) and 20 (Amending Article III of Chapter 5 - Development Fees - Crine Realty), as they would move along the township's plan with COAH. Council agreed, and the following Res. #110-95/Ord. #20-95 and Res. #111-95/Ord. #21-95 were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 110-95

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

ORDINANCE # 20-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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 27, 1995 at 7:30 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 # 20-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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, and State of New Jersey, as follows:

1. Section 84-40.1, entitled "R-40/30 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 in order to establish a subsection "H" thereof as follows (additions are underlined):

H. For residential developments in the R-40/30 Residential District which are located on properties that are not included within the consent order identified in paragraph "C" above (the "consent order"), a development fee as described below rather than the \$1,500.00 per unit payment required as part of the consent order shall be exacted for deposit into the Township's Housing Trust Fund created under Article III of Chapter 5 of the "Code of the Township of Marlboro, New Jersey." The development fee imposed shall be one-half of one percent (1/2 of 1 %) of the equalized assessed value on the number of units that could be realized in accordance with R-80 Residential District density requirements (forty-three hundredths (0.43) lot per gross acre) and three quarters of one percent (3/4 of 1 %) of the equalized assessed value on the incremental units over and above forty-three hundredths (0.43) lot per gross acre obtained through conformance with R-40/30 criteria.

2. Section 84-29, entitled "Districts; Map and Boundaries; Schedule of Requirements," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro New Jersey" is hereby amended and supplemented at subsection "B" thereof, to the effect that the Zoning Map adopted by said subsection shall be revised to delete premises designated as Block 193, Lot 49 on the Tax Map of the Township of Marlboro from the R-80 Residential District and so as to include said tax lot in the R-40/30 Residential District.

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.

RESOLUTION # 111-95

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

ORDINANCE # 21-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND SUPPLEMENTING ARTICLE III, ENTITLED "DEVELOPMENT FEES", OF CHAPTER 5, "AFFORDABLE HOUSING," 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 27, 1995 at 7:30 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 # 21-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND SUPPLEMENTING ARTICLE III, ENTITLED "DEVELOPMENT FEES", OF CHAPTER 5, "AFFORDABLE HOUSING," 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, and State of New Jersey, as follows:

1. The section entitled "Residential Development Fees" of Article III, entitled "Development Fees" of Chapter 5, "Affordable Housing," of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to add new subsections as follows (additions are underlined):

C. R40/30 Residential District.

For residential developments in the R-40/30 Residential District which are located on properties that are not included within the consent order identified in Section 84-40.1 (C) of the "Code of the Township of Marlboro, New Jersey," a development fee shall be imposed in the amount of one-half of one Percent (1/2 of 1%) of the equalized assessed value on the number of units that could be realized in accordance with R-80 Residential District density requirements (forty-three hundredths (0.43) lot per gross

acre) and three-quarters of one percent (3/4 of 1%) of the equalized assessed value on the incremental units over and above forty-three hundredths (0.43) lot per gross acre obtained through conformance with R-40/30 criteria.

**D. All other Residential Districts.**

Within all other residential districts of the Township not specified in subsections "A", "B" or "C" above, residential developers shall pay a development fee of one-half of one percent (1/2 of 1%) of the equalized assessed value of any eligible residential activity into the Township's Housing Trust Fund created pursuant to this Article.

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

3. 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) and/or approval of the Court which entered the Judgment of Repose in the consolidated matter known as "Michael Kaplan, et als, Plaintiffs, vs. The Township of Marlboro et als, Defendants." bearing lead Docket No. L-039596-84, by way of an amendment to the consent order, which is consistent with the foregoing.

The following items were carried to the April 27 meeting:  
 Item 12 (First Reading-Dedicated Trust Account - Recreation),  
 Item 13 (Right of Way Agreement JCP&L - Service to Maintenance Garage - Board of Education Property), Item 14 (Return of Performance Bond, Cash Guaranties and Inspection Fees - Hovnanian), Item 15 (Bond Release Woodbury Oaks), Item 16 (Supporting Transportation Trust Fund Renewal), and Item 18 (Tax Collector Resolutions).

Regarding Item 17 (Commending Jeremy Roberts & Christina Cilmi), Council moved this resolution to the April 27 meeting. Mayor Scannapieco stated that he and Council President Broderick will be organizing a fund raiser after the Community Center is completed.

Good & Welfare - Mayor Scannapieco reminded Council about the DARE graduations. He also informed Council that the construction of the new ballfield is moving along, and he will be signing the lease that Council approved at the ceremony. He thanked all the builders and people who contributed to this construction, and stated that he would like to present all of them with a plaque later during the year.

At 9:50 P.M., Council Vice President Colarusso moved that the meeting go into Closed Session for the purposes of discussing personnel. This was seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 6th day of April, 1995 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 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following executive session.

At 10:05, Council Vice President Colarusso moved that the meeting be opened. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

Resolution #108-95/Ordinance #18-95 (Amendment to Salary Ord. - Inspector/Complaint Investigator) was tabled. Motion to table was made by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #109-95/Ordinance #19-95 (Amend Chapter 4 - Department of Code Enforcement) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 109-95

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

ORDINANCE # 19-95

AN ORDINANCE TO AMEND ARTICLE XII, OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO, DEPARTMENT  
OF CODE ENFORCEMENT

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 27, 1995 at 7:30 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 # 19-95

AN ORDINANCE TO AMEND ARTICLE XII, OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO, DEPARTMENT  
OF CODE ENFORCEMENT

The Mayor and Council of the Township of Marlboro hereby ordains:

1. Section 4-85 is repealed and replaced with:

Section 4-85. Department Established; Organization.

There shall be a Department of Code Enforcement, the head of which shall be the Code Enforcement Officer. The Department of Code Enforcement shall consist of the following divisions:

- A. Division of Construction Code Compliance
- B. Division of Zoning Enforcement
- C. Division of Environmental Protection

2. Section 4-86 is repealed and hereby replaced with:

Section 4-86. Division of Construction Code Compliance.

There shall be within the Department of Code Enforcement, a Division of Construction Code Compliance, the head of which shall be the Chief Construction Code Official.

A. The Division of Construction Code Compliance shall consist of the following offices and such additional offices as required by law:

1. Office of Building Sub-code Official.
2. Office of Plumbing Sub-code Official.
3. Office of Electrical Sub-code Official.

B. The Construction Code Official and all sub-code officials shall be licensed and/or certified as required by the Uniform Construction Code of the State of New Jersey. The Chief Construction Code Official may serve in the official capacity for any office stated in Section 4-87A providing the above conditions are met.

C. The Construction Code Official, and all sub-code officials, shall provide, under the direction of the Construction Code Official, such services and responsibilities as are required by the State of New Jersey Uniform Construction Code, N.J.A.C. 5:23-1.1, et seq. and the Property Maintenance Code of the Township of Marlboro, Chapter 113, of the Code of the Township of Marlboro.

D. There shall be under the jurisdiction of the Division of Construction Code Compliance, the position of Housing Inspector. This shall be a part-time position. The individual appointed to perform the function of Housing Inspector shall have and possess the authority to inspect for any deviations from the State of New Jersey Uniform Construction Code as well as the Property Maintenance Code of the Township of Marlboro, as directed by the Chief Construction Code Official, and/or the Business Administrator. This position may be held jointly, by the same person, as the person holding the position of Complaint Investigator, as described in Section 4-87.

3. Section 4-87 is repealed and replaced with:

Section 4-87 Division of Zoning Enforcement and Local Code Enforcement.

There shall be within the Department of Code Enforcement a Division of Zoning Enforcement and Local Code Enforcement, the head of which shall be the Zoning Officer.

A. The Zoning Officer shall, under the supervision and direction of the department head, supervise all building activity and operations within the Township for the purpose of obtaining compliance with the Zoning Ordinance of the Township.

B. There shall be within the Division of Zoning Enforcement and Local Code Enforcement the position of Complaint Investigator. This shall be a part-time position. Under the supervision and direction of the Zoning Officer and/or Business Administrator, the Complaint Investigator shall be responsible for inspections to ensure compliance with ordinances of the Township of Marlboro, other than those already delineated in Section 4-86, or otherwise provided for in the Code of the Township of Marlboro, or as provided in the laws of the State of New Jersey. The position of Complaint Investigator may be held jointly, by the same person, as the position of Housing Inspector, provided in Section 4-86.

4. Section 4-88 is repealed.

5. Section 4-89 is repealed.

6. Section 4-90 shall remain as currently enacted.

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

8. If any provision of this ordinance is later ruled to be invalid, it shall not affect the validity of any other provision, to the extent the provisions may be deemed severable.

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

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

MINUTES APPROVED: May 25, 1995

OFFERED BY: Colarusso

AYES: 5

SECONDED BY: Marcus

NAYS: 0

*Evelyn D. Piccolini*

*Thomas E. Broderick*

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

April 27, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on April 27, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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 Broderick lead a moment of silence in memory of those killed in the Oklahoma City bombing.

Administrative Report - Mayor Scannapieco announced the Holocaust Remembrance Day ceremony, which will take place April 30th at 2 PM at Marlboro High School. He also commended the DARE officers, Det. Van Note, Det. Fox, and Officer Nagle, for the excellent job they have done on the four DARE graduations which had taken place. The Mayor also stated that the State had announced today that they will be moving forward on the closing of Marlboro Hospital. He voiced his concern for the patients and employees of the hospital, the future use of the property, and other issues. He stated that this decision will be going through legislative review, with the ultimate decision to be made by the Governor, and therefore, this is not a closed issue. The Mayor also stated that the escape last week of William Jennings caused a great deal of concern for the community, and that Senator Bennett is working on this issue and will speak about it later in the meeting. The Mayor asked that two members of the Community Advisory Committee on the MOM study (Monmouth - Ocean - Middlesex) on the issue of the railroad address the Council. Fran Szczesny and Mario Guidice gave an update on this issue. At the last meeting, the committee received feedback from N. J. Transit and their consultants that after preliminary evaluation of all the

various links, it did not appear that the Freehold-Matawan route was a viable route. They were hopeful that this link has now been eliminated, as it was determined that the most viable link is through Monmouth Junction.

The following Resolution #112-95 (Proclaiming May 19, 1995 as "Kindness Day") was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot. Councilman Metzger, as the liaison to this program, gave an update. He stated that the sixth grade Project Venture students came up with a plan to sell white ribbons in town, with all funds raised to go to the disaster relief committee in Oklahoma City. The students will be forming committees to interact with various schools on this project. Councilman Metzger asked if Mayor and Council could assist in obtaining the \$200 necessary in order to buy the ribbon to assist the children in this worthy cause. Both Mayor and Council gave their support. After discussion, Councilman Metzger read the resolution and each Council member presented framed resolutions to the principals, teachers and students. Mayor Scannapieco also presented a Proclamation for Kindness Day. Beth Bayer, Tricia Steefel, David Schumer and Adam Cooper, sixth grade Project Venture students from Robertsville and Marlboro Elementary, thanked Mayor and Council and their teachers and principals for their help in getting this program together. The students gave an update on what they have been doing since the last meeting to achieve their goal on making Marlboro a kinder community.

RESOLUTION # 112-95

RESOLUTION COMMENDING MARLBORO TOWNSHIP SIXTH GRADE STUDENTS AND  
PROCLAIMING MAY 19, 1995 AS KINDNESS DAY

WHEREAS, on March 23, 1995, a group of gifted and talented students who are in the sixth grade at Marlboro Elementary and Robertsville Schools made a presentation before the Mayor and Township Council in furtherance of promoting kindness both in our schools and in our town; and

WHEREAS, the Mayor and Township Council were very impressed with this presentation and wish to participate in promoting the goals of kindness which were suggested by the sixth grade students, commencing with the declaration of May 19, 1995 as "Kindness Day" in Marlboro Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend the Marlboro Township sixth grade students for making an outstanding presentation on March 23, 1995 as part of their promotion of kindness.

BE IT FURTHER RESOLVED that May 19, 1995 is hereby declared and proclaimed to be "Kindness Day" in Marlboro, a special day where all Township officials, representatives, businesses, organizations, churches and residents will be encouraged to promote acts of kindness and forgiveness with others.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Mrs. Virginia McDonald (sixth grade - Marlboro Elementary School) and Mrs. Sue Bornstein (sixth grade - Robertsville School), and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation and proclamation.

The following Resolution #113-95 (Commending Robertsville School for Participation in Project EAT) was read by Councilwoman Marcus, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Ann Barasch, Chairperson, was present to accept the award. Mrs. Barasch thanked Harriet Schlossberg and gave a donation of \$175 for the food pantry from her girl scout troop. Harriet Schlossberg thanked everyone at Robertsville School for their support.

RESOLUTION # 113-95

RESOLUTION COMMENDING THE ROBERTSVILLE  
SCHOOL FOR "PROJECT E.A.T."

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that the Robertsville School has been participating in a project known as "Project E.A.T " (Everyone Ate Today) during the last several months; and

WHEREAS, "Project E.A.T" is a continuous food drive whereby the students of the School supply the Marlboro Food Pantry with cartons of food each Friday in order to provide for our neighbors who are most in need; and

WHEREAS, this program has assisted the Township in meeting the increased demand for food for the less fortunate; and

WHEREAS, the Mayor and Township Council feel that this is an extremely worthwhile program and wish to take this opportunity to commend the Robertsville School and its students for participating in this venture, and to encourage other residents of the community to follow this lead.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend the Robertsville School and its students for their participation in "Project E.A.T.," an extremely worthwhile cause.

BE IT FURTHER RESOLVED that a certified copy of this

Resolution shall be provided to Anne Barasch (Chairperson, Project E.A.T.), and the Robertsville School, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #114-95 (Commending George Duncan and First Baptist Church of Matawan for Rehabilitation of Residence) was read by Councilman Friedman, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. Mayor Scannapieco congratulated George Duncan, who was present to accept the award.

RESOLUTION # 114-95

RESOLUTION COMMENDING GEORGE DUNCAN AND  
MEMBERS OF THE FIRST BAPTIST CHURCH OF MATAWAN  
AND YOUTH CHALLENGE CENTER OF PERTH AMBOY FOR  
REHABILITATING A MARLBORO RESIDENCE

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that George Duncan, and members of the First Baptist Church of Matawan and Youth Challenge Center of Perth Amboy, have actively participated in the rehabilitation of a Marlboro Township residence located at 60 Harbor Road, Morganville; and

WHEREAS, as part of this rehabilitation project, George Duncan, and members of the First Baptist Church of Matawan and Youth Challenge Center of Perth Amboy, cleaned up the property, which included painting the house, removing eleven (11) wrecked cars from the property and opening a well for water use; and

WHEREAS, these efforts combined to transform the structure into a habitable residence for the elderly woman who resides there, Dorothy Penksa, who is stricken with bone cancer and who now may live the remainder of her days in the comfort of her own home.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend George Duncan, and the members of the First Baptist Church of Matawan and Youth Challenge Center of Perth Amboy, for their dedicated services in rehabilitating the above residence.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to George Duncan, the First Baptist Church of Matawan, Youth Challenge Center of Perth Amboy, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #115-95 (Designating Day of Remembrance

for the Martyrs of the Holocaust - April 27, 1995) was read by Deputy Mayor Al Rosenthal, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Council President Broderick announced that this resolution will be presented at the Holocaust Memorial Service, to be held on April 30th at 2 PM at Marlboro High School.

RESOLUTION # 115-95

RESOLUTION DESIGNATING SUNDAY, APRIL 23, 1995  
THROUGH SUNDAY, APRIL 30, 1995 AS DAYS OF  
REMEMBRANCE OF THE MARTYRS OF THE HOLOCAUST

WHEREAS, from 1933 to 1945, more than six million Jews were persecuted and slaughtered in the Holocaust; and

WHEREAS, the people of the Township of Marlboro should remember the horror committed by the Nazis and their many supporters; and

WHEREAS, the people of the Township of Marlboro should rededicate themselves to the belief of equal justice for all humanity; and

WHEREAS, the people of the Township of Marlboro should remain eternally vigilant against all persecution, and recognize that malice and prejudice provide a breeding ground for tyranny to flourish; and

WHEREAS, April 27, 1995 has been designated as a Day of Remembrance of the martyrs of the Holocaust, known internationally as Yom Hashoah; and

WHEREAS, it is appropriate for the people of the Township of Marlboro to join in commemoration of the 50th anniversary of the liberation of the concentration camps with an interfaith ceremony on April 30, 1995.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that, in memory of the martyrs of the Holocaust, and in the aspiration that we will strive always to conquer bigotry and inhumanity through education, resistance and vigilance, the week of Sunday, April 23, 1995 through Sunday, April 30, 1995, be designated as Days of Remembrance of the Martyrs of the Holocaust.

Council Speaks Out - Councilman Metzger commented that the presentations made this evening made him proud to be a resident of Marlboro and a member of Council. Councilman Friedman echoed these sentiments, and stated that he was hopeful that the feelings expressed on Kindness Day will last throughout the year. Councilwoman Marcus commended Fran Szczesny for her

outstanding effort on the railroad issue. Council President Broderick commended the work of the rescue workers who went to Oklahoma City. Council President Broderick also gave startling statistics on child abuse, and asked Council if they would prepare a letter to Congressman Zimmer to ascertain the facts on what programs may be cut, so that this important issue will not be adversely affected.

Citizen's Voice - Joe Leon - 7 Wickatunk Village - spoke about the maintenance of Wickatunk Village. He asked that the maintenance ordinance be abided by. Council President Broderick stated he will do a walk-through of the park with Mr. Leon and Construction Official Bill Newman. Business Administrator Bob Albertson will check on the status of this issue. John Sully, Managing Agent for Wickatunk Village, stated that they will address any issue that is deemed to be legitimate by the Construction Dept. Walter Korabiak - Distinctive Pools - stated that over the last two or three years it has been difficult to obtain a building permit for a pool, as it usually takes four weeks to several months, and if a variance is necessary, it takes much longer. The requirement that the pool must be staked out is part of the problem, and he feels that either the ordinances should be changed or staffing increased, as this is adversely affecting business. The Mayor stated he would look into this issue. Mr. Korabiak stated that the lot coverage percentage is very low in this town, thereby creating the need for so many variances. Council President Broderick asked that the Clerk ascertain from the Zoning Board if there are any significant delays, and asked the attorney to review the pertinent ordinances and suggest whatever changes may help to alleviate this problem. Council President Broderick also stated that the ordinances regarding pool construction had been in place prior to this Council. Pat Korabiak - stated that a starting date and a completion date must be specified in their contracts by State law, and this is causing a problem for pool construction companies. Also, the lack of communication between departments and pool companies has caused delays. Council President Broderick stated that Council will look into the Zoning Board issue, and the administration will look into the other issues. Steven Sadicario - 10 Liberty Road - stated that after purchasing his home, he was required to fence in his pool. His contractor came to the municipal office for a permit and was surprised to find that township code requires a two-inch opening, whereas the State BOCA code requires four inches. The fence had to be specially made, costing an additional \$500, and he was later told by the Construction Department that a two inch opening is not necessary. He feels that situation is unfair and confusing to residents of the township. Business Administrator Bob Albertson was asked to check into this problem and to advise Mr. Sadicario. Council will also review this ordinance for the next workshop meeting.

Council President Broderick opened the Public Hearing on Ord. #15-95 (Amending Section 91-9 - Vacancy Decontrol). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #118-95/Ord. #15-95 was introduced by reference, offered by Councilman Metzger, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 118-95

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

ORDINANCE # 15-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 91-9, ENTITLED "VACANCY DECONTROL," OF 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 #116-95 (Municipal Budget - Read by Title) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 116-95

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of the Public Hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in Town Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Council President Broderick opened the Public Hearing on the 1995 Municipal Budget. As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution #117-95 (Budget Amendment) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 117-95

RESOLUTION OF THE TOWNSHIP OF MARLBORO  
 COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
 TO AMEND APPROVED BUDGET

IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40: 4-9

WHEREAS, the local municipal budget for 1995 was approved on February 29, 1995; and

WHEREAS, the public hearing on said budget will be held as advertised on April 27, 1995; and

WHEREAS, the governing body desires 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 be made:

REVENUES

Surplus Anticipated	4,990,000.00	5,059,858.00
Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Off set with Appropriations:		
Drunk Driving Enforcement Fund	0.00	8,857.83
Clean Communities Program	24,235.00	25,280.00
Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations	24,235.00	34,237.63
Total Amount to be Raised by Taxes for Support of Municipal Budget	6,396.047.63	6,466.047.83
Total General Revenues	<u>\$ 18,336,260.63</u>	<u>\$18,486,121.26</u>

APPROPRIATIONS

(A) Operations within CAPS: General Government: Administrative and Executive: Office of the Mayor: Salaries and Wages Administration:	30,800.00	31,800.00
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Other Expenses	175,200.00	190,200.00
Collection of Taxes:		
Salaries and Wages	139,629.00	136,129.00
Legal Services and Costs:		
Salaries and Wages	161,045.00	162,045.00
Other Expenses	211,600.00	191,600.00
Group Insurance Plan - Employees	909,009.54	1,059,009.54
Group Insurance Premiums	684,903.00	673,903.00
Public Safety		
Police:		
Salaries and Wages	3,535,650.08	3,540,650.08
Other Expenses:		
Miscellaneous Other Expenses	148,508.49	140,508.49
Highway Safety:		
Other Expenses	73,495.00	70,995.00
Streets and Roads:		
Recycling:		
Other Expenses	204,691.00	196,691.00
Grounds and Building Maintenance:		
Salaries and Wages	482,817.28	485,675.29
Recreation and Education:		
Recreation and Open Space:		
Division of Recreation:		
Salaries and Wages	290,918.00	303,918.00
Other Expenses	154,785.00	164,785.00
Unclassified:		
Utilities		
Community Recreation Center	25,000.00	20,000.00
Total Operations within CAPS	11,647,568.39	11,787,426.39
Detail:		
Salaries and Wages	7,092,641.36	7,111,999.36
Other Expenses	4,554,927.03	4,675,427.03
Total General Appropriations for Municipal Purposes within CAPS	12,412,778.23	12,552,636.23
(A) Operations-Excluded from CAPS:		
Public and Private Programs Offset by Revenues:		
Clean Communities Program	24,235.00	25,280.00
Drunk Driving Enforcement Fund	0.00	8,957.63
Total Operations - Excluded from CAPS	1,089,921.40	1,099,924.03
Detail:		
Salaries and Wages	604,692.89	604,692.89
Other Expenses	485,228.51	495,231.14

(C) Capital Improvements-Excluded from

## CAPS

Public and Private Programs Offset by  
Revenues:

Safe and Secure Community Act:

Police Equipment 0.00 30,000.00

Total Capital Improvements-Excluded from  
CAPS 100,000.00 130,000.00

Total General Appropriations for Municipal  
Purposes excluded from CAPS 3,718,482.40 3,758,485.03

Total General Appropriations-Excluded from  
CAPS 3,718,482.40 3,758,485.03

Subtotal General Appropriations 16,131,260.63 16,311,121.26  
Reserve for Uncollected Taxes 2,205,000.00 2,175,000.00

Total General Appropriations \$18,336,260.63 \$18,486,121.26

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for her certification of the 1995 Local Municipal Budget as 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 May 3, 1995 and that said publication contain notice of public hearing on said amendment to be held in the Municipal Building on the 11th day of May 1995, at 7:30 PM.

Council President Broderick opened the Public Hearing on Ord. #20-95 (Amending Chapter 84 - R-40/30 Zone and Zoning Map). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #122-95/Ord. #20-95 was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 122-95

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

ORDINANCE # 20-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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 Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot: Res. #129-95 (Authorizing Contract - Cemetery Consultant), Res. #130-95 (Right of Way Agreement JCP& L - Service to Maintenance Garage - Board of Education Property), Res. #131-95 (Bond Release Woodbury Oaks), Res. #132-95 (Supporting Transportation Trust Fund Renewal), Res. #133-95 (Tax Refunds - Various), Res. #134-95 (Redemption of Tax Sale Certs. - Various), Res. #135-95 (Refund of Duplicate Payments - Various) and Res. #136-95 (Award of Bid: Combination Sewer Cleaner and Catch Basin Cleaner).

RESOLUTION # 129-95

RESOLUTION AUTHORIZING THE RETENTION  
OF THE PROFESSIONAL LEGAL SERVICES OF  
GEORGE DOUGHERTY, ESQ.

WHEREAS, there exists a need for the professional legal services of George Dougherty, Esq., to serve as Special Counsel to the Township of Marlboro in a matter known as the Marlboro Municipal Cemetery; and

WHEREAS, George Dougherty, Esq., will perform the required services at the rate, of \$140.00 per hour, with a cap as to the expenditure not to exceed \$2,500.00, 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 1995 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.

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 George Dougherty, 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 1995 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. George Dougherty, Esq.
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Township Attorney

RESOLUTION # 130-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A RIGHT OF WAY AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT COMPANY AND BELL ATLANTIC OF NEW JERSEY, INC. FOR SERVICE TO THE MAINTENANCE GARAGE AT THE BOARD OF EDUCATION PROPERTY

WHEREAS, Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., have advised that it is necessary for the Township of Marlboro to execute a Right of Way Agreement in order to provide for an easement across certain Township property at the Municipal Complex, known as Block 253, Lot 37 on the official Township Tax Map, so as to relocate underground service to the maintenance garage on the Board of Education property; and

WHEREAS, Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., have submitted the attached Right of Way Agreement in order to provide for the necessary easement, which must be recorded with the Monmouth County Clerk's Office.

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

1. That it hereby authorizes the Mayor to execute and the Township Clerk to attest the attached Right of Way Agreement between the Township of Marlboro and Jersey Central Power & Light Company and Bell Atlantic of New Jersey, Inc., relating to Block 253, Lot 37 on the Tax Map of the Township, and record same with

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

- a. Jersey Central Power & Light Company  
300 Madison Avenue  
P.O. Box 1911  
Morristown, NJ 07962-1911  
(Attn: Barbara G. Stiles, Real Estate Representative)
- b. Bell Atlantic of New Jersey, Inc.
- c. Robert J. Albertson, Business Administrator
- d. Township Engineer
- e. Township Attorney

RESOLUTION # 131-95

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND AND FEES- WOODBURY OAKS

WHEREAS, the Township of Marlboro has received a request by K. Hovnanian Companies, Jersey Shore, Inc., for the release of a Township held performance bond, cash bond and inspection fee, which were deposited in order for the developer to perform certain limited site work as authorized by the Planning Board at the Woodbury Oaks subdivision in the Township; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated March 29, 1995, which recommends the release due to the fact that the developer has subsequently received full final subdivision approval and has posted additional bonds and inspection fees for full site development, which also includes the improvements as previously bonded; 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 K. Hovnanian Companies, Jersey Shore, Inc., in the amount of \$1,470,516.00, for the purpose of commencing limited site work at the Woodbury Oaks

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

2. That the cash bond posted by K. Hovnanian Companies, Jersey Shore, Inc., in the amount of \$163,391.00, for the purpose of commencing limited site work at the Woodbury Oaks subdivision, shall be reduced to zero and released.

3. That the inspection fee posted by K. Hovnanian Companies, Jersey Shore, Inc., in the approximate amount of \$61,000.00, for the purpose of commencing limited site work at the Woodbury Oaks subdivision, shall be released and returned to the developer.

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

- a. K. Hovnanian Companies, Jersey Shore, Inc.  
225 Highway 35, Red Bank, New Jersey 07701  
Attention: Daniel M. Murphy, Esq.
- b. Fireman's Fund Insurance Company
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 132-95

RESOLUTION IN SUPPORT OF TRANSPORTATION  
TRUST FUND RENEWAL

WHEREAS, municipalities have the responsibility for local roadways in the State of New Jersey; and

WHEREAS, municipalities cannot properly maintain their transportation infrastructure based upon their own financial resources; and

WHEREAS, the State of New Jersey has helped municipalities in the past by providing over \$800 million dollars from the Transportation Trust Fund for over 3,000 municipal and county transportation projects in the last decade; and

WHEREAS, there exists an urgent need to construct, maintain and repair local roadways in our municipality in order to ensure the health, safety and welfare of the traveling public as well as an urgent need to ensure that the transportation system continues in its role as a state-of-the-art, business friendly economic force for the State and its municipalities.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that they strongly urge the Legislature to renew the Transportation Trust Fund which will ensure continued funding of transportation projects crucial

for the development of New Jersey.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Senator Robert Littell, Senator William Haines, Senator John O. Bennett, III, Assemblyman Walter Kavanaugh, Assemblyman Alex DeCroce, Assemblyman Michael Arnone and Assemblywoman Clare Farragher.

RESOLUTION # 133-95

WHEREAS, the attached list, known as Schedule "A", is comprised of amounts representing payment for 1995 first quarter taxes based upon the preliminary bills, and

WHEREAS, the above-referenced Blocks and Lots no longer appear on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$9,381.60 to the respective taxpayers.

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
119	40	PNC Mortgage Servicing Co. Tax Department 539 Fourth Avenue Louisville, KY 40296 Re: Charles D. Frazier 26 Petra Drive	143.41
269	2	Union Hill Nine Assoc. L.L.C. 820 Morris Turnpike Short Hills, NJ 07076	171.91
269	3	Union Hill Nine Assoc. L.L.C. 820 Morris Turnpike Short Hills, NJ 07076	256.33
269	5	Union Hill Nine Assoc. L.L.C. 820 Morris Turnpike Short Hills, NJ 07076	1,407.64
269	6	Union Hill Nine Assoc. L.L.C. 820 Morris Turnpike Short Hills, NJ 07076	1,947.82
269	8	Union Hill Nine Assoc. L.L.C. 820 Morris Turnpike Short Hills, NJ 07076	1,657.85
300	3	Calton Homes, Inc.	975.13

Tennent Rd		500 Craig Road Manalapan, NJ 07726	
300 Church Rd	29	Calton Homes, Inc. 500 Craig Road Manalapan, NJ 07726	2,136.24
362 School Rd East	20 QFARM	Harvey V. Sr. & Johanna C. Holland 3 South Main Street Marlboro, NJ 07746 Re: Vitale	44.68
362 School Rd East	21 QFARM	Harvey V. Sr. & Johanna C. Holland 3 South Main Street Marlboro, NJ 07746 Re: Vitale	13.29
421 Dutch Lane Rd	9	Joel & Hannah & Mary Opatut P.O. Box 563 Howell, NJ 07727	627.30

TOTAL TO BE REFUNDED: \$9,381.60

RESOLUTION # 134-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$39,793.59 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 \$39,793.59 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
93-38 Alberta Drive	314/17	George Schafer, Trustee	\$15,204.37
93-63 Orange Drive	396/1 C0036	Carole Salkind & Sheila Brodsky	2,659.00
92-6 Orchard Parkway	122/2	Wesley L. Krempel	7,907.27
93-11 &	122/2	Lamar Life Insurance Co.	14,022.95

94-9  
Orchard Parkway

TOTAL ----- \$39,793.59

RESOLUTION # 135-95

WHEREAS, the attached list in the amount of \$439.53, known as Schedule "A", is comprised of amounts representing duplicate payments for 1995 second quarter,

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

SCHEDULE "A"

BLOCK	ASSESSED OWNER	AMOUNT
412.01 56 78 Annette Drive	PHH U.S. Mortgage Corp. 6000 Atrium Way Mount Laurel, NJ 08054 Attn: Tricia Walker Re: Lawrence Michael & Silvana Persie	\$439.53

TOTAL ----- \$439.53

RESOLUTION # 136-95

BE IT RESOLVED THAT:

1. PEIRCE EQUIPMENT COMPANY, INC.  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Combination Sewer Cleaner and Catch Basin Cleaner

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:

Peirce Equipment Company, Inc.  
3554 Route 22 West, Whitehouse, New Jersey 08888

on their low bid of: \$153,900.00.

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 #126-95/Ordinance #23-95 (Amending and

Supplementing Section 84-54 - CIR District) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 126-95

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

ORDINANCE # 23-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-54, ENTITLED "CIR COMMERCIAL - INDUSTRIAL - RESEARCH 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 May 25, 1995 at 7:30 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 # 23-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-54, ENTITLED "CIR COMMERCIAL - INDUSTRIAL - RESEARCH 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, and State of New Jersey, as follows:

1. Section 84-54, entitled "CIR Commercial - Industrial - Research District," of Chapter 84, "Land Use Development and Regulations," is hereby amended and supplemented in the following respects (additions are shown with underline and deletions are shown in ~~strikeout~~ except where a large section is to be repealed, in which case a notation to that effect is made in [brackets]):

**Section 84-54. CIR Commercial - Industrial - Research District.**

The following regulations shall apply in the CIR Commercial - Industrial - Research District:

A. Permitted Uses.

- (1) Light manufacturing, ~~proceeding~~, processing or

fabricating operations which meet the performance standards contained in Section 84-31.

- (2) One (1) or a combination of retail and/or service uses and shopping centers of a neighborhood convenience nature of the following types:
- (a) General merchandise.
  - (b) Food.
  - (c) Apparel and accessories.
  - (d) Eating and drinking establish ~~except drive-in-restaurants.~~
  - (e) Variety stores.
  - (f) Drugstores.
  - (g) Liquor stores.
  - (h) Florists.
  - (i) Furniture, home furnishings and equipment.
  - ~~(j)~~ (j) Finance, insurance and real estate services.
  - ~~(k)~~ (k) Personal services.
  - ~~(l)~~ (l) Business services.
  - ~~(m)~~ (m) Repair services.
  - ~~(n)~~ (n) Professional services.
- (3) [Current text, including all sub-parts, is to be repealed in its entirety and replaced with the following:]
- Government buildings and grounds.
- (4) Educational services, but excluding primary and secondary schools and colleges.
- (5) Publication of newspapers and periodicals.
- (6) Assembly halls, theaters, bowling alleys and other similar commercial recreational activity, provided it is carried on within a building.
- ~~(7)~~ (7) Experimental, research or testing laboratories, provided that no operation shall be conducted or

equipment used which would create hazardous, noxious or offensive conditions beyond the boundaries of the property involved.

- ~~(5)~~(8) Administrative office buildings limited to executive or administrative purposes.
- ~~(6)~~(9) Industrial research laboratories limited to experimental, research and testing laboratories at which products or goods are not produced for sale.
- ~~(7)~~(10) Warehouse for the storage of materials and products.
- ~~(8)~~(11) Railroad rights-of-way and terminal facilities. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.
- ~~(9)~~(12) Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

(13) Single family detached dwellings subject to the following requirements:

- (a) Minimum site requirement for a proposed development tract to include single family detached dwellings must be twenty (20) acres with frontage on both a New Jersey State Highway and a local municipal street.
- (b) A minimum of ten (10) acres fronting on the State Highway must be devoted to non-residential uses.
- (c) Single family residential development shall be located adjacent to and have access to the local municipal street.
- (d) No lands within five hundred (500) feet of the State Highway shall be developed for residential use.
- (e) Public water and sewer must be provided to both residential and non-residential portions of the site.
- (f) Single family detached dwellings shall comply with the lot size, yard and

comply with the lot size, yard and building requirements of the FRD Residential District as listed in Section 84-43G. No other provisions of Section 84-43 shall apply.

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. Shopping-centers
- ~~(3) Amusement-arcades~~

I. Other provisions.

- (1) Front yard areas may be utilized for parking, provided that no such parking shall be closer than ~~eighty-(80)~~ twenty (20) feet to the street line.

J. Relationship to residential lots.

- (1) No non-residential building, structure or railroad tracks shall be erected within one hundred and fifty (150) feet of any front side or rear lot line that abuts or is the near street line opposite a residential zone.
- (2) No non-residential parking area or driveway shall be located within one hundred and fifty (150) feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone.
- (3) No tree having a ~~caliber~~ caliper of more than three (3) inches and located within one hundred (100) feet of any front, side or rear lot line that abuts or is the near street line opposite a residential zone ~~or lot-utilized-for residential-purpose-in-a-commercial-or-industrial zone~~ shall be removed unless such removal is in accordance with an approved site plan.
- (4) Prior to commencing construction of any non-residential building, structure, railroad tracks, driveway or parking areas, a permanent fence shall be constructed along the entire length of any front, side or rear lot line that abuts a residential zone or use. Such fence shall be at least six (6) feet in height and shall be of a type and material approved by the Planning Board as part of site plan approval and be subject to Section 84-58 of this Chapter.

2. The developer shall be responsible for all costs associated with this Ordinance.

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.

Council President Broderick opened the Public Hearing on Ord. #16-95 (Amending Fees - Recreation Programs - Summer Camp sports camp and therapeutic camp). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #119-95/Ordinance #16-95 was introduced by reference, offered by Councilman Metzger, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 119-95

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

ORDINANCE # 16-95

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 117, ENTITLED "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.

Council President Broderick opened the Public Hearing on Ord. #17-95 (Vacating Right of Way - Hovnanian). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #120-95/Ordinance #17-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 120-95

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

ORDINANCE # 17-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO VACATING THE PUBLIC RIGHT IN AND TO AN UNNAMED 33 FOOT WIDE RIGHT-OF WAY SHOWN ON THE TAX MAP AS BEING LOCATED OFF OF WOOLEYTOWN ROAD, MARLBORO TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY

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

Council President Broderick opened the Public Hearing on Ord. #19-95 (Amending Chapter 4 - Code Enforcement). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #121-95/Ordinance #19-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 121-95

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

ORDINANCE # 19-95

AN ORDINANCE TO AMEND ARTICLE XII, OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO, DEPARTMENT  
OF CODE ENFORCEMENT

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

Council President Broderick opened the Public Hearing on Ord. #21-95 (Amending Chapter 5 - Affordable Housing - Development Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #123-95/Ordinance #21-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 123-95

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

ORDINANCE # 21-95

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO AMENDING AND  
SUPPLEMENTING ARTICLE III, ENTITLED "DEVELOPMENT  
FEES," OF CHAPTER 5, "AFFORDABLE HOUSING," 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 #124-95/Ordinance #9-95 (Repealing Section 84-57 - Hospital Zone - and Creating a New Zone District -

Agriculture/Land Conservation District) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 124-95

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

ORDINANCE # 9-95 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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 25, 1995 at 7:30 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 # 9-95 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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. That Chapter 84 of the "Code of the Township of Marlboro, New Jersey," entitled "Land Use Development and Regulations," be amended so as to repeal the contents of Section 84-57 thereof, entitled "Hospital Zone," in their entirety.
2. That Chapter 84 of the "Code of the Township of Marlboro, New Jersey," be further amended and supplemented so as to create a new zone at Section 84-57 thereof, entitled "Agriculture/Land Conservation District," which shall read as follows:

**Section 84-57. A/LC- Agriculture/Land Conservation District.**

The following regulations shall apply in the A/LC- Agriculture/Land Conservation District:

A. Permitted Uses.

(1) Single-family dwellings.

(a) Construction of single-family dwellings within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

- [1] The minimum lot area shall be ten (10) acres; the minimum lot area for flag lots shall be ten (10) acres plus a fifty (50) foot wide access lane.
- [2] The minimum lot frontage shall be four hundred (400) feet; the minimum lot frontage for flag lots shall be fifty (50) feet for the access lane.
- [3] The minimum lot width shall be four hundred (400) feet; the minimum lot width for flag lots shall be four hundred (400) feet for that portion of the lot used as the dwelling site.
- [4] The minimum lot depth shall be five hundred (500) feet; the minimum lot depth for flag lots shall be five hundred (500) feet which shall not include the access lane.
- [5] The minimum front yard setback shall be one hundred fifty (150) feet; the minimum front yard setback for flag lots shall be one hundred fifty (150) feet which shall not include the access lane.
- [6] The minimum side yard setback shall be one hundred (100) feet.
- [7] The minimum rear yard setback shall be one hundred fifty (150) feet.
- [8] The maximum building height shall be thirty-five (35) feet.
- [9] The maximum percentage of lot coverage shall be five percent (5%).

(b) If lot size averaging (as defined in Section 84-4 of this Chapter) is used, then construction of single-family dwellings

within the Agriculture/Land Conservation District shall be in accordance with the following requirements:

- [1] The minimum lot area shall be eighty thousand (80,000) square feet, with an overall tract density of no more than .10 lots per acre.
  - [2] The remainder of the bulk requirements for development shall be the same as those required in the R-80 Zone under Section 84-39 C of this Chapter.
- (2) Farms, including operations for agriculture and agricultural purposes as defined in this Chapter.
- (a) Construction or operation of farms within the Agriculture and Conservation District shall be in accordance with the following regulations, notwithstanding the provisions of any other section of this Chapter to the contrary:
- [1] The minimum lot area shall be ten (10) acres.
  - [2] The minimum lot frontage shall be four hundred (400) feet.
  - [3] The minimum lot width shall be four hundred (400) feet.
  - [4] The minimum lot depth shall be five hundred (500) feet.
  - [5] The minimum front yard setback shall be one hundred fifty (150) feet.
  - [6] The minimum side yard setback shall be one hundred (100) feet.
  - [7] The minimum rear yard setback shall be one hundred fifty (150) feet.
  - [8] The maximum building height shall be thirty-five (35) feet.
  - [9] The maximum percentage of lot coverage shall be five percent (5%).
- (3) State County and Municipal parks/recreational facilities. Such parks or facilities may include ballfields, swimming pools, and/or other similar

uses.

- (4) Open Space for passive recreational uses, including but not limited to hiking, fishing, nature preserves, bird watching, and other similar uses.

B. Permitted Accessory Uses.

- (1) All accessory uses permitted in the LC Land Conservation District under Section 84-38 B.
- (2) Farm Buildings, greenhouses and other similar structures or buildings which are customary and incidental to agriculture or agricultural purposes as defined in this Chapter.

C. Conditional Uses. Uses requiring a conditional use permit, subject to the provisions of Article IV of this Chapter.

- (1) Public utilities.
- (2) Churches and places of worship.
- (3) Quasi-public buildings and recreation areas.
- (4) Home professional offices and home occupations.
- (5) Private hospitals and/or other similar private health care facilities, which shall be subject to the provisions of Section 84-68 of this Chapter.
- (6) Buildings and grounds associated with institutions of higher learning, which shall be subject to the provisions of Section 84-65 of this Chapter. An "institution of higher learning" shall be defined for the purposes of this Chapter as any public, parochial or private school, college or university whose enrollment is composed of students who have graduated from secondary (high) school and which is duly approved and licensed to operate by all appropriate educational and state/federal agencies.
- (7) Corporate headquarters facilities and executive offices in a comprehensively planned setting subject to the provisions of Section 84-74.4. Specifically excluded are general commercial or professional office uses, light industrial and research uses and other similar uses.

D. Signs are subject to the provisions of Section 84-62 of

this Chapter.

E. Off-street parking is subject to the provisions of Section 84-60 of this Chapter.

F. Fences are subject to the provisions of Section 84-58 of this Chapter.

3. That Subsection 84-29(A) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to delete the reference to the "HD - Hospital Zone," and supplemented to add the "A/LC - Agriculture/Land Conservation District."

4. That the zoning map adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to remove the premises currently located in the "Hospital Zone" from that district, and revised and updated to include said tax lots in the newly created "Agriculture/Land Conservation District."

5. That the Schedule of Area, Yard and Building Requirements adopted at Subsection 84-29(D) and located at "Table I" of Chapter 84 of the "Code of the Township of Marlboro, New Jersey" be amended to incorporate the requirements set forth in this Ordinance.

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

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

The following Resolution #125-95/Ordinance #22-95 (Amending Various Sections Chapter 84 - Agriculture/Land Conservation District) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 125-95

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

ORDINANCE # 22-95

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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 25, 1995 at 7:30 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 # 22-95

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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, and State of New Jersey, as follows:

1. Section 84-60, entitled "Off-Street Parking Regulations," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented to the effect that subsection "F" thereof, entitled "Required Off-Street Parking Spaces," is hereby amended and supplemented in the following respects (additions are shown with underline and deletions are shown in ~~strikeout~~):

(19) ~~Hospitals-and-similar-institutional-use-for-care-of-the ill-or-aged;-one-(1)-parking-space-for-every-four-(4) beds;-plus-one-(1)-additional-parking-space-for-every-two (2)-employees-and-member-of-the-staff-in-the-largest working-shift.~~ Hospital and Health Care Facilities: The off-street parking requirements are provided for under Section 84-68G of this Chapter.

2. Section 84-65, entitled "Private and Parochial Schools," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey", is hereby amended and supplemented in the following respects (additions are shown with underline and deletions are shown in ~~strikeout~~):

Section 84-65. Private and Parochial Schools; Private or Public Institutions of Higher Learning.

~~Private and parochial schools,~~ including private or public institutions of higher learning or private trade or business vocational schools, may be permitted, provided that:

B. The minimum lot area for an elementary school shall be ten (10) acres, plus one (1) additional acre for each one hundred (100) pupils. The minimum lot area for an intermediate school or trade or vocational school shall be twenty (20) acres, plus one (1) additional acre for each one hundred (100) pupils. The minimum area for a high school shall be thirty (30) acres, plus one (1) additional acre for each one hundred (100) pupils. The

minimum area for an institution of higher learning shall be fifty (50) acres, plus one additional acre for each one hundred (100) students. No more than ten percent (10%) of the site shall be covered by buildings.

- C. A front and rear yard, each with a depth of not less than one hundred (~~100~~) and fifty (150) feet, and two (2) side yards, each with a width of not less than one hundred (100) feet, shall be provided. No parking or play area shall be allowed within seventy-five (75) feet of any street or property line. ~~and no buildings shall be allowed within one hundred twenty five (125) feet of any street or property line.~~
- D. Off-street parking shall be provided in the following ratio: Elementary and intermediate schools shall provide one (1) parking space for each staff member or employee, ~~plus one (1) two (2) parking spaces for each ten (10) pupils, for each classroom,~~ plus adequate space for buses and delivery vehicles. ~~All other schools~~ High schools shall provide one (1) parking space for each staff member or employee, plus five (5) spaces for each classroom, plus one (1) parking space for each five (5) pupils, plus adequate space for buses and delivery vehicles. ~~These requirements may be increased if, in the judgment of the Board of Adjustment, such consideration as the unavailability of bus service, the distance from centers of population or a relatively high percentage of pupils driving their own cars make such increased requirements desirable.~~ Trade or vocational schools shall provide one (1) parking space per one hundred (100) square feet of gross floor area. Institutions of higher learning shall provide one (1) parking space per one hundred and fifty (150) square feet of gross floor area.
- E. A driveway shall not open onto a public street within one hundred and fifty (150) feet of an intersection of such street with another public street. In determining the suitability of proposed or existing driveways upon the site, the Board of Adjustment approving agency shall consider such factors as grade and site clearance: the number and pattern of driveways: the number, location of design of ingress and egress points: the volume of traffic which may be anticipated on the site and on adjoining roads: and the condition and width of pavement of adjoining roads.

3. Section 84-68, entitled "Hospitals, Philanthropic or Eleemosynary Uses," of Chapter 84, "Land Use Development and Regulations", of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented in the following respects (additions are shown with underline and deletions are shown in ~~strikeout~~, except where an entire paragraph is repealed,

in which case a notation to that effect is made in [brackets]):

Section 84-68. Hospitals, Philanthropic or Eleemosynary Uses.

Fraternal, social, civic, recreational, rehabilitative, philanthropic or eleemosynary uses, of a public or private nature, may be permitted, provided that:

A. A statement setting forth the full particulars on the building and/or use or operation is submitted with the development application. operation-of-the-structure-or-use-is-filed-with-the Zoning-Board-of-Adjustment-in-quadruplicate-by-the-applicant.

B. [Current text to be repealed in its entirety and replaced with the following:]

The lot upon which the use is proposed shall conform to the following standards and requirements:

- (1) Minimum lot area: ten (10) acres in the Agriculture/Land Conservation District; five (5) acres in all other Districts.
- (2) Minimum lot frontage: three hundred (300) feet.
- (3) Minimum lot width: three hundred (300) feet.
- (4) Minimum lot depth: three hundred (300) feet
- (5) Minimum front yard setback: one hundred and fifty (150) feet.
- (6) Minimum side yard setback: one hundred (100) feet.
- (7) Minimum rear yard setback: one hundred and fifty (150) feet.
- (8) Maximum lot coverage for buildings only: twenty-five percent (25%).
- (9) Maximum percentage impervious lot coverage: fifty percent (50%).
- (10) Floor Area Ratio (F.A.R.): 0.30.

C. [Current text to be repealed in its entirety and replaced with the following:]

The building height may exceed that established for the zone in which the use is located provided that the front, rear and side yards shall be increased by two (2) feet for each foot by which such building exceeds the height limit herein established for the zone in which it is

located, but in no case shall any building exceed a height of fifty (50) feet.

- E. [Current text to be repealed in its entirety and replaced with the following:]

Signs may be illuminated but nonflammable and limited in area to not more than thirty (30) square feet on any one (1) side. The number of signs shall be limited to one per street frontage.

- F. [Current text to be repealed in its entirety and replaced with the following:]

Philanthropic and eleemosynary uses shall provide off-street parking spaces at the rate of one (1) space per every three hundred (300) square feet of gross floor area.

- G. Hospitals and health care facilities shall provide of off-street parking spaces at the rate of two (2) spaces per bed or one (1) space per one hundred and fifty (150) square feet of gross floor area, whichever is greater.

4. Section 84-73, entitled "Quasi - Public Buildings and Recreation Areas," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented in the following respects: (additions are shown with underline and deletions are shown in strikeout):

**Section 84-73. Quasi - Public Buildings and Recreation Areas.**

Quasi - public buildings and recreation areas and facilities including clubhouses, parks, playgrounds, swimming pools, tennis courts and other such activities, operated by non-profit membership organizations may be permitted, provided that:

- A. It is ascertained by the ~~Board-of-Adjustment~~ approving agency that the proposed use is operated by a bona fide non-profit organization solely for the recreation and enjoyment of the members of said organization.
- D. Signs may be illuminated but nonflashing and limited in area to not more than fifteen (15) square feet on any one (1) side. The number and location of signs shall be determined by the ~~Board-of-Adjustment~~ approving agency.
5. Section 84-74.4, entitled "Corporate Headquarters Facilities and Executive Offices," of Chapter 84, Land Use Development and Regulations," of the Code of the Township of Marlboro, New Jersey," is hereby established as follows:

**Section 84-74.4. Corporate Headquarters Facilities and Executive Offices.**

Corporate Headquarters Facilities and executive Offices may be permitted, provided that:

A. The lot upon which the use is proposed shall conform to the following standards and requirements:

- (1) Minimum lot area: fifty (50) acres.
- (2) Minimum lot frontage: five hundred (500) feet.
- (3) Minimum lot width: five hundred (500) feet.
- (4) Minimum lot depth: five hundred (500) feet.
- (5) Minimum front yard setback: one hundred and fifty (150) feet.
- (6) Minimum side yard setback: one hundred (100) feet.
- (7) Minimum rear yard setback: one hundred and fifty (150) feet.
- (8) Maximum lot coverage for buildings only: twenty-five percent (25%).
- (9) Maximum percentage impervious lot coverage: fifty percent (50%).
- (10) Maximum Floor Area Ratio (F.A.R.): 0.30.
- (11) Maximum Building Height: fifty (50) feet.

B. Parking shall be provided at the rate of three and one-half (3.5) spaces per every one thousand (1000) square feet of gross floor area.

C. Signs may be illuminated but nonflashing and are limited to the following:

- (1) Wall signs. No more than two (2) exterior wall signs shall be permitted for each use. The area of each such sign shall not exceed the lesser of twenty-five (25) square feet or two percent (2%) of the area of the wall to which it is affixed.
- (2) Ground signs. Ground signs shall be set back a minimum of ten (10) feet from any street line or lot line. No more than one (1) identification ground sign is permitted per use. No ground sign shall exceed ten (10) feet in height or thirty (30)

square feet in area except that the area of a ground sign can be increased one (1) additional square foot for each additional foot of setback exceeding ten (10) feet provided that no sign shall exceed one hundred (100) square feet in area. Vehicular direction signs are permissible as long as such signs do not exceed two (2) square feet in area, four (4) feet in height and are located a minimum of five (5) feet from any property line.

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.

Fred Raffetto, Esq. asked that Council table Res. #127-95/ Ord. #24-95 (Dedicated Trust Account), pending information from the auditor. Motion to table was made by Councilman Metzger, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot. Action will be taken on this item at the May 11, 1995 meeting.

The following Resolution #128-95 (Supporting Legislation - Marlboro Hospital) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 128-95

RESOLUTION SUPPORTING LEGISLATION REQUIRING THE COMMISSIONER OF HUMAN SERVICES TO ALLOW CERTAIN PROCEDURE BEFORE TEMPORARILY OR PERMANENTLY REMOVING ALL PATIENTS RESIDING IN A STATE PSYCHIATRIC HOSPITAL CLOSING A STATE PSYCHIATRIC HOSPITAL OR REMOVING THE NUMBER OF PATIENTS RESIDING IN A STATE PSYCHIATRIC HOSPITAL BELOW TWO THIRDS OF THE CAPACITY OF THAT PSYCHIATRIC HOSPITAL

WHEREAS, Legislation has been sponsored in the New Jersey Legislature, in the form of Senate Bill No. 1792, sponsored by Senator Bennett and Assembly Bill No. 932, sponsored by Assemblymen Arnone and Corodemus, to require the Commissioner of Human Services to follow certain procedures before temporarily or permanently removing all patients residing in a State psychiatric hospital, closing a State psychiatric hospital or reducing the number of patients residing in a State psychiatric hospital below two thirds of the capacity of that psychiatric hospital; and

WHEREAS, these procedures would require the Commissioner of

Human Services to provide public notice and obtain public input through a minimum of three public hearings Statewide before implementing a decision to close or significantly reduce the number of patients residing in a State psychiatric hospital and require the Commissioner to have an independent public or private agency or organization prepare a report evaluating the impact of patients who are previously discharged from facilities during the two-year period preceding a decision by the Commissioner to close or reduce a facility; and

WHEREAS, the Township Council is fully supportive of these bills and urges the New Jersey Legislature to consider the swift passage of the proposed legislation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby supports the legislation requiring the Commissioner of Human Services to follow certain procedures before temporarily or permanently removing all patients residing in a State psychiatric hospital closing a State psychiatric hospital or reducing the number of patients residing in a State psychiatric hospital below two thirds of the capacity of that psychiatric hospital and urges the New Jersey Legislature to approve passage.

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

- a. Governor Christine Todd Whitman
- b. Peter G. Verniero, Esq., Chief of Staff  
Office of the Governor
- c. William Waldman, Commissioner  
New Jersey Department of Human Services
- d. Honorable John O. Bennett, III, New Jersey  
State Senator
- e. Honorable Clare Farragher, New Jersey General  
Assembly
- f. Honorable Michael Arnone, New Jersey General  
Assembly
- g. Monmouth County Board of Chosen Freeholders
- h. Gregory Robert, C.E.O.  
Marlboro Psychiatric Hospital

Public Session - There was no one who wished to speak..

Item 36 (Discussion - Council Investigation/Marlboro Psychiatric Hospital) was tabled to a later date.

Council President Broderick moved that the minutes of March 9 & 23, 1995 be approved. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:30 P.M., Councilman Metzger moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 27th day of April, 1995 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. Action may be taken following the executive session.

At 10:40 PM, Councilman Metzger moved that the meeting be opened. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #137-95 (Authorizing Contract: Michael Gordon) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 137-95

RESOLUTION AUTHORIZING THE RETENTION  
OF THE PROFESSIONAL LEGAL SERVICES OF  
MICHAEL GORDON, ESQ.

WHEREAS, there exists a need for the professional legal services of Michael Gordon, Esq., to serve as Special Counsel to the Township of Marlboro in a matter known as the Imperial Oil Site; and

WHEREAS, Michael Gordon, Esq., will perform the required services at the rate of \$150.00 per hour, with a cap as to the expenditure not to exceed \$5,000.00, 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 1995 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.

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 Michael Gordon, 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 1995 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. Michael Gordon, Esq.
  - b. Sheila Fishkin, Chief Financial Officer
  - c. Robert Albertson, Business Administrator
  - d. Township Attorney

At 10:45 PM, Council Vice President Colarusso 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: May 25, 1995

OFFERED BY: Colarusso

AYES: 5

SECONDED BY: Marcus

NAYS: 0



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EVELYN D. PICCOLINI  
MUNICIPAL CLERK



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THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

May 5, 1995

The Marlboro Township Council held a "Special" Council Meeting on May 5, 1995 at 4:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 May 5, 1995; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilman Metzger and Council President Broderick. Councilwoman Marcus was absent.

Also present were: Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

The following Resolution #138-95 (Amending Resolution #231-94 - to Include Alternates) was introduced by reference, offered by Councilman Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Marcus).

RESOLUTION # 138-95

WHEREAS, on August 11, 1994, the Marlboro Township Council passed Resolution No. 231-94, awarding the contract covering the Gymnasium Addition/Recreation Center to G.R. Estephan Construction, Inc., in the amount of \$328,000.00; and

WHEREAS, the correct amount should have been for \$381,300.00, which includes the alternates; and

WHEREAS, the Township Council now wishes to amend Resolution No. 231-94 in order to incorporate the alternates, which was the original intent of the Township Council at the time Resolution No. 231-94 was passed.

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

1. That Resolution No. 231-94 is hereby amended so as to increase the amount of the above award to \$381,300.00, which amount includes the alternates.

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

- a. Robert J. Albertson, Business Administrator
- b. Sheila Fishkin, Chief Financial Officer
- c. John Saffioti, Recreation Department
- d. Township Attorney

At 4:05 PM, Council Vice President Colarusso 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: June 15, 1995

OFFERED BY: Colarusso

AYES: 5

SECONDED BY: Metzger

NAYS: 0



EVELYN D. PICCOLINI  
MUNICIPAL CLERK



THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

May 11, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on May 11, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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

The following Resolution #139-95 (Budget Amendments to be Read by Title) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 139-95

WHEREAS, pursuant to N.J.S.A. 40A:4-8 and 40A:4-9, the Marlboro Township Council has determined that at least one week prior to the May 11, 1995, public hearing on the amendments to the 1995 municipal budget, the following has occurred:

1. The amendments, in full, have been posted in a public place where public notices are customarily posted within the Municipal Building of the Township; and

2. The amendments, in full, have been made available to any person requesting a copy of same.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the amendments to the 1995 Municipal Budget may be read by title pursuant to N.J.S.A. 40A: 4-8 and 40A: 4-9 at the public hearing of May 11, 1995.

Council President Broderick opened the Public Hearing on the Amendments to the 1995 Municipal Budget. As there was no one who wished to speak, the Public Hearing was closed.

The following Resolution #140-95 (Adoption of 1995 Municipal Budget) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #140-95

BE IT RESOLVED by the Township 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:

\$6,466,047.80 for Municipal Purposes.

Council President Broderick opened the Public Hearing on Resolution #141-95 (Resolution Authorizing the Township of Marlboro to Apply to the State of New Jersey Green Acres Program for Diversion of Park Land). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #141-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #141-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO MAKE APPLICATION TO THE STATE OF NEW JERSEY GREEN  
ACRES PROGRAM FOR DIVERSION OF PARKLAND

WHEREAS, on July 18, 1985, the Township of Marlboro granted a sewer easement to Central Jersey Office and Industrial Park, which easement is located in a Green Acres area in Block 176, Lot 86 (Marlin Estates Park); and

WHEREAS, in order to compensate Green Acres for the property upon which the easement has encroached, which amounts to approximately .53 acres, the Township has proposed to make compensation in the form of equipment and facilities improvements at Wicker Place Park (Block 106, Lot 1), involving a new junior tot lot and benches; and

WHEREAS on May 11, 1995, the Township Council conducted a public hearing on this matter, at which time all interested members of the public were given the opportunity to set forth opinions on this issue.

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

1. That the Township Engineering Department be authorized to make application to the State of New Jersey Green Acres program for diversion of approximately .53 acres of park land (Marlin Estates Park).
2. That this diversion shall be compensated for through the purchase and installation of approximately \$10,000.00 worth of equipment and facilities improvements to be performed at Wicker Place Park (Block 106, Lot 1), involving a new junior tot lot and benches.
3. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Mike Heenehan, Supervising Environmental Specialist State of New Jersey Green Acres Program  
CN 412  
Trenton, New Jersey 08625
  - b. Marlboro Township Engineering Department  
(Attn: Joseph Cinque, P.E.)
  - c. Deputy Mayor Charles Lein
  - d. Township Attorney

The following Resolution #127-95/Ordinance #24-95 (Amending Chapter 4 - Dept. of Recreation and Open Space) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Fred Raffetto, Esq., explained that this is a first step on creating a dedicated account for Recreation. A resolution creating a dedicated account will follow, upon adoption on this ordinance.

RESOLUTION # 127-95

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

ORDINANCE # 24-95

AN ORDINANCE AMENDING ARTICLE XI, ENTITLED "DEPARTMENT OF RECREATION AND OPEN SPACE," 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 May 25, 1995 at 7:30 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 # 24-95

AN ORDINANCE AMENDING ARTICLE XI, ENTITLED "DEPARTMENT OF RECREATION AND OPEN SPACE," 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, and State of New Jersey, as follows:

1. Section 4-78, entitled "Department established; Organization," of Article XI, entitled "Department of Recreation and Open Space," of Chapter 4, "Administration of Government," of the Code of the Township of Marlboro, New Jersey, is hereby amended in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

**Section 4-78. Department established; Organization.**

There shall be a Department of Recreation and Open Space, the head of which shall be the Director. The Department of Recreation and Open Space shall consist of the following:

~~A.---Division-of-Recreation.~~

~~B.---Division-of-Parks-and-Open-Space.~~

- A. ~~E~~ Division of Shade Trees.
- B. ~~D~~ Division of Library.
- C. ~~E~~ Division of Swimming Facilities.

2. Article XI, entitled Department of Recreation and Open space, of Chapter 4, "Administration of Government," of the "Code of the Township of Marlboro, New Jersey," is hereby further amended so as to repeal the contents of Section 4-79 thereof, entitled "Division of Recreation", and Section 4-80 thereof entitled "Division of Parks and Open Space," in their entirety.

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 #142-95/Ordinance #25-95 (Amend Bond Ordinance - Recreation) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 142-95

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

ORDINANCE # 25-95

BOND ORDINANCE AMENDING BOND ORDINANCE #26-94  
 FINALLY ADOPTED BY THE TOWNSHIP OF  
 MARLBORO, NEW JERSEY ON OCTOBER 27, 1994  
 WHICH APPROPRIATED \$1,538,000 AND  
 AUTHORIZED THE ISSUANCE OF \$1,461,100  
 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS  
 CAPITAL IMPROVEMENTS.

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 25, 1995 at 7:30 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 # 25-95

BOND ORDINANCE AMENDING BOND ORDINANCE #26-94  
 FINALLY ADOPTED BY THE TOWNSHIP OF  
 MARLBORO, NEW JERSEY ON OCTOBER 27, 1994  
 WHICH APPROPRIATED \$1,538.000 AND  
 AUTHORIZED THE ISSUANCE OF \$1,461.100  
 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS  
 CAPITAL IMPROVEMENTS.

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") entitled "Bond Ordinance Providing an Appropriation of \$1,538.000 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 \$1,461,100 Bonds or Notes of the Township for Financing Part of The Appropriation", finally adopted on October 27, 1994 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance pertaining to various improvements to certain Township buildings is hereby amended as follows: "Various Improvements to Town Hall, Town Hall Annex, Morganville Senior Center, Town Community Center and Emergency Medical Building, including furnishings thereto, including the acquisition of all work and materials necessary therefor or incidental thereto."

Section 3. All other provisions of this Ordinance shall remain unchanged.

Section 4. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Melvin Kenduck, Esq., spoke on behalf of the residents of Whittier West. He thanked Mayor and Council for their support in the battle over the water tower with Gordons Corner Water Co. He also commended Joe Foster, Esq., Joe Layton and other experts who testified, as he felt it was their help that brought this matter to a successful conclusion. Council President Thomas Broderick commented that the attendance of the residents at these hearings was vital in the outcome of this case.

Regarding Item 16 (Creation of Resolution for 20 Years of Service to Community), Jerry Donis, President of the Marlboro Players was present. Council moved a resolution honoring the company to the May 25 meeting.

Regarding Item 8 (Liaison to Council - Marlboro High School) Business Administrator Bob Albertson informed Council that the participants of Youth Government Day have asked Council to appoint a liaison. This had just been approved by the Principal, and Council will be notified in writing. When the letter has been received, Council will proceed with a resolution formally appointing the suggested student.

Council then discussed Item 11 (Update on Marlboro Village Improvements - Jack Williams - Mayor's Advisory Task Force). Mr. Williams and his committee, Ira Adler, Dick Previte, Nancy Williams and Rachel DeVita, updated Council on this project. They had reviewed T & M's proposal on the Streetscape Project and were in agreement that a village atmosphere be started in this area, and that land use and zoning regulations as well as sign ordinances, be reviewed and amended accordingly. All areas should be linked together with a common unifying theme. T & M will work with the committee on applying for grants for this project. It was the committee's suggestion to start small, with signs depicting historic Marlboro, and gradually blending this area together with curbs, sidewalks,

ornamental lighting and flowerpots, etc. A friendly business atmosphere should be created for this area, with various township departments working together to make it as easy as possible to attract businesses. One of the problems in the area is lack of parking, and the creation of a municipal parking lot could help alleviate this problem. Business Administrator Bob Albertson was asked to look into what can be done on the parking situation. Also, there are proposals that could bring sewers into this area, which will also aid businesses to locate here. It was the committee's suggestion that preservation and refurbishing of the homes in this area be encouraged. Item 21 (Ordinance for Preservation of Traditional and Historic Homes - 200 years or older) was then tied into this discussion. Both Council and the committee discussed how best to proceed in order to create an ordinance requiring the preservation of historic homes when they are purchased by private individuals. Mr. Previte volunteered to help work with the attorneys on this ordinance. Mr. Adler stressed the importance of getting the merchants and prospective owners involved in this matter. Mr. Williams stated that the committee feels that communication to schools, citizens and civic organizations should be encouraged, in order to get them involved. Councilwoman Dory Marcus volunteered to be liaison to this committee, and will keep Council informed. Fred Raffetto, Esq., informed Council that there is a mechanism whereby a municipality can form a historic preservation commission which would designate certain historic districts or historic sites within the town. This commission should include the town historian, Nat Handlin, and should have a Council liaison. The commission would review the application of anyone who wanted to get a building permit to alter a historic home. The commission would give their comments and would also have the power to deny such building permit. It was Council's consensus to have the attorney look into this aspect further and to work on a draft ordinance for their perusal at the next workshop meeting.

Regarding Item 13 (Possible Condemnation of Farmland for Recreation Purposes - Cliff Radisch, Little League President), Cliff Radisch and Sal Alfieri were present for the discussion. They informed Council that there is a piece of property at the rear of the existing Little League field which would be excellent for ballfields and other recreational activities. The site does contain wetlands, but the extent is not known. In order to ascertain the value of the property in order to make the owner an offer, a wetlands delineation is necessary. Before expending any funds for this purpose, Council asked that the Township Engineer prepare a report with respect to this site, to determine the feasibility of proceeding. This will be discussed further when such report has been completed.

Council then discussed Item 9 (Proposed Ordinance Changes for Pool Fencing and Pool Staking Requirements - to Coincide with BOCA). The following persons were present and gave input on this issue:

Chris Doree of Doree Fence Co., Joel Caesar of the National Pool & Spa Assoc., Walter and Pat Korabiak of Distinctive Pools. After discussion, Council agreed that the present ordinance should be amended to adopt the BOCA code, and moved this to the May 25 meeting for First Reading.

The following Resolution #143-95 (Commending Municipal Clerk Evelyn Piccolini for Municipal Clerk's Week) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus and as there was no objection, the Clerk was asked to cast one ballot. Council President Broderick presented Municipal Clerk Evelyn Piccolini with a framed Resolution, and Deputy Mayor Charles Lein read a Proclamation by Mayor Scannapieco for Mrs. Piccolini.

RESOLUTION # 143-95

RESOLUTION HONORING EVELYN PICCOLINI DURING  
MUNICIPAL CLERKS WEEK - MAY 7 THROUGH MAY 13, 1995

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that Evelyn Piccolini has served in the position of Municipal Clerk since January of 1979; and

WHEREAS, the Office of Municipal Clerk is the original public service position; and

WHEREAS, Ms. Piccolini has served in this office in a professional, dignified manner and has provided a conduit between the public and the Council members and various government agencies; and

WHEREAS, Ms. Piccolini has provided the citizens of Marlboro with information in an unbiased and neutral manner.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that they hereby honor and thank Evelyn Piccolini for her dedication to the Office of Municipal Clerk and to the Governing Body and the citizens of Marlboro Township.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Evelyn Piccolini and all departments of the Township, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may know of her hard work and how much she is appreciated by those she works for and with.

Council then discussed Item 12 (Review of Existing Zoning Ordinance - Vincent Antes). Mr. Antes brought to Council's attention a problem he had encountered. Because his property

is only one-half acre, but is zoned R-60, he must follow the setback requirements of the R-60 zone, which makes it difficult for him to do anything with his property. He became aware of this problem when he applied for a building permit to replace the above-ground pool which had been there when he bought his home. Fran Kessler, Zoning Officer, was present for the discussion and presented some options to rectify this situation, such as the creation of an R-60/20 zone, so that lots that are vacant would remain R-60, and those smaller lots which have homes constructed on them would be able to follow the setback and lot coverage requirements of the R-20 zone. Council asked that the attorney work with the Township Planner on how best to resolve this situation as quickly as possible, and this matter will come back to Council for action when ready. Council then discussed the policy on staking requirements for pools, as required by the lot grading provisions of the ordinance. After reviewing this with Ms. Kessler, it was Council's consensus that the policy remain as is.

Council then discussed Item 10 (Presentation - Michael Kaplan Concept). Mr. Michael Kaplan, developer, and his attorney, Ronald Blumstein, presented their concept for a condominium project in back of Millponds (Amboy Road). The existing zoning for the property is strictly multi-family (townhouses), and Mr. Kaplan is seeking to build something more creative, containing single-family homes, as well as townhouses, with a community pool. The number of units previously approved is approximately 300, and Mr. Kaplan is seeking to reduce this number to about 200. Council asked all pertinent questions, and agreed to take action on the following ordinance. The following Resolution #144-95/ Ordinance #26-95 (Amending Section 84-4 and Section 84-48 - MFD Multi-Family District) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 144-95

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

ORDINANCE # 26-95

ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 84-4 (DEFINITIONS) AND 84-48  
(MFD MULTI-FAMILY 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 15, 1995 at 7:30 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 # 26-95

ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 84-4 (DEFINITIONS) AND 84-48  
(MFD MULTI-FAMILY 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 84-4 (Definitions) of Chapter 84 (Land Development and Regulations) of the "Code of the Township of Marlboro, N.J." is hereby amended and supplemented to establish the following defined term: ESTATE HOME - One (1) detached single family dwelling developed in a condominium form of ownership.

2. Section 84-48 (MFD Multi-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 establish the following provisions to be added to Section B, C, and D as follows (deletions appear in ~~strikeout~~: additions are underlined):

B. Permitted Uses: clustered townhouses (sometimes herein referred to as "units") as defined under Section 84-4, and garden apartments (sometimes herein referred to as "units") as defined under Section 84-4, and estate homes (sometimes herein referred to as "units") as defined under Section 84-4.

C. Permitted Accessory Uses: Noncommercial swimming pools, tennis courts, and other recreational facilities for the exclusive use of residents and their guests, off-street parking facilities and, in association with units, noncommercial parking garages for the exclusive use of site residents only.

D. For any units to be developed in this district the following regulations and provisions shall apply:

- (1) Minimum lot size. No building which is intended or designed to be used, in whole or in part, as a unit herein shall be erected or constructed upon a lot containing an area of less than ten (10) acres, except that if a zone boundary line passes through any lot of five (5) acres or more with the result that the area available for unit construction is less than ten (10) acres, such

area of less than ten (10) acres may be approved for unit development; provided, however, that all other regulations pertaining to the erection or construction of the units shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

- (2) With respect to clustered townhouses and buildings containing low and moderate income units only, the distance between two (2) adjacent buildings side to side shall not be less than thirty (30) feet. With respect to garden apartments, the average distance between two (2) adjacent buildings shall not be less than one and one-half (1 1/2) times the height of the taller adjacent building, but in no instance shall the distance be less than thirty (30) feet. With respect to estate homes, the distance between two (2) adjacent buildings side to side shall not be less than ten (10) feet. With respect to clustered townhouses, the distance between two (2) adjacent buildings rear to rear shall not be less than fifty (50) feet and side to rear shall not be less than thirty (30) feet. With respect to estate homes, the distance between two (2) adjacent buildings rear to rear shall not be less than fifty (50) feet and side to rear shall not be less than twenty-five (25) feet.
- (3) Density. No more than eight (8) units shall be permitted per gross acre.
- (4) Rooms. Each separate dwelling unit shall contain separate bedroom, separate bathroom, separate living room and separate kitchen facilities, which kitchen facilities shall be located separate and apart from other rooms. A bedroom shall be construed as any separate room, other than a dining room, kitchen or bathroom.
- (5) Lot Coverage. The maximum lot coverage of buildings shall be twenty percent (20%).
- (6) Open Space. The minimum percent of the required open space of the total area of the tract shall be not less than forty percent (40%).
- (7) Building Plan. Building elevations and floor plans for each typical unit shall be required.
- (8) Height. The height of the habitable part of the building shall not exceed three (3) stories, and

the total height of the building shall not exceed thirty-five (35) feet. No basement units shall be permitted. In the PAC District, the height shall be two (2) stories or thirty-five (35) feet.

- (9) Sound Control. All units shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission as tested by the American Society for Testing and Materials (E-90).
- (10) Energy Conservation. Where practical, all units shall be oriented to the greatest extent feasible, so as to maximize sun exposure as per the guidelines published by the New Jersey Department of Community Affairs.
- (11) Recreational Facilities. Both active and passive recreational facilities shall be provided with the approval of the Planning Board. Recreational requirements as set forth by the Planning Board, shall be met and developed with facilities suitable to serve the residents of the dwelling units. Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare or any other objectionable features emanating therefrom.
- (12) Minimum Frontage. Minimum road frontage shall be four hundred (400) feet.
- (13) Parking. All parking facilities shall have adequate screening and landscaping.
- (14) Setbacks. There shall be a front yard setback of at least fifty (50) feet and side and rear yard minimum setbacks of forty (40) feet from streets. The minimum setbacks from private roads and interior parking areas (curbline) shall be twenty-five (25) feet.
- (15) Buffer and Landscaping. All areas of a development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a development boundary line abuts a lot in a residential zone, which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of sixty (60) feet inside the boundary line of the development abutting a residential lot. If no

adequate trees, shrubs or planting exists in the sixty-foot area in the natural state of the premises before the development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the sixty-foot area in accordance with Section 84-63 of this chapter. Where a development boundary line abuts a lot in a multifamily district residential zone, the sixty (60) foot area described above shall be reduced to forty (40) feet.

- (16) Interior Roads. All roads and other accessways within the development shall be private roads constructed, paved and curbed to a width of not less than thirty (30) feet. All private roads shall have a minimum radius at the centerline of the road of fifty (50) feet and a minimum curb return radius at intersections of twenty-five (25) feet. A minimum centerline tangent of at least fifty (50) feet shall be introduced between reverse curves on all such roads. Driveways serving more than one estate home shall be private roads constructed, paved and curbed to a width of not less than twenty-four (24) feet, with a maximum length of two hundred (200) feet (measured from the private road curbline to the beginning of the turn around area) and a minimum turn around area of not less than fifty (50) feet by fifty (50) feet. At the developer's option, public roads may be installed to township standards. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Marlboro Township. [Amended 3-20-86 by Ord. No. 6-86]
- (17) Parking. No parking shall be permitted on any road or accessway within the development. All parking shall be confined to the areas specially designated on the site plan for that purpose. Parking spaces of nine by eighteen (9 x 18) feet for each car shall be required to the extent of two and five-tenths (2.5) spaces per unit. If garages are provided, each garage may be counted for the equivalent of one (1) parking space for the purpose of this provision. [Amended 2-22-1990 by Ord. No. 7-90]
- (18) Principal Buildings.
- (a) No principal building shall:
- [1] Be designed for or occupied by more than

twelve (12) families, provided, however, that a building containing low and moderate income units only may be designed for and occupied by up to twenty (20) families.

- [2] Exceed one hundred sixty (160) feet in length in its longest dimension, provided, however, that buildings containing townhouse units only may exceed the foregoing length so long as they do not contain more than six (6) units; and provided further, however, that a building containing low and moderate income units only may not exceed two hundred (200) feet in length in its longest dimension.
- [3] Provide less than two (2) exterior exposures, each of which shall be properly placed so as to provide thorough ventilation for each unit.
- [4] Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being upon the roof. This subsection shall not apply to a common antenna tower.
- [5] Allow any air-conditioning unit to project more than six (6) inches from the face of the wall of the building on which it is installed.
- [6] Provide less than seven hundred (700) cubic feet of storage for each unit in the building.
- (b) Roof design and construction must be other than a flat roof.
- (c) The elevation and setbacks should be varied.
- (19) Utilities. For all developments, the applicant for the site plan approval shall arrange with the serving utility for the underground installation of the utilities distribution supply of the applicable standard terms and conditions incorporated as a part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection provided, however, that sites which abut existing streets where

overhead electric or telephone distribution supply lines have therefor been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines of extensions, but the service connections from the utilities overhead lines shall be installed underground.

- (20) Application fees concerning the Mt. Laurel II proposals (low- and moderate-income housing units only) shall be waived. Application fees for the balance of the project shall apply.
- (21) Fire walls. There shall be a fire wall between each unit.
- (22) Detention/Retention Facilities. Notwithstanding anything contained elsewhere in this Chapter 84, in those instances in which adjacent conditions (such as existing retention basin(s) impact upon the design and/or location of drainage facilities the Board may, in its discretion, permit (i) the top of the excavation or the toe of the outside slope shall be set back twenty-five (25) feet from an adjoining property line of a lot on which there is a multifamily residential use, (ii) the edge of the design high water for detention/retention basins to be set back fifty feet from existing or proposed dwelling units, (iii) the top of the excavation or the toe of the outside slope to be set back twenty-five feet from the edge of the pavement from adjoining roads, and (iv) wet detention/retention basins.

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 law.

5. The developer shall be responsible for all costs associated with this Ordinance.

Regarding Item 19 (Health Benefits - retirees), Councilman Friedman made a presentation to Council, asking that they provide coverage to non-aligned employees, as a supplement to Medicare, upon the employee attaining age 65. Mr. Friedman suggested that Council consider a 50/50 split on the cost between the employee and the township, instead of the previously suggested a 70/30 split. He provided the information on the cost, and the number of possible employees. After discussion, it was Council's consensus to grant such benefits, at a 50/50 share in costs, and will take action on the resolution at the May 25 meeting.

Council then discussed Item 14 (Jewish War Veterans Marlboro/Manalapan Post 972 - Menlo Park Disabled Veterans Recognition Dinner sponsored by Council). Council President Broderick announced that the dinner will be held at the Crown Palace at 6 PM, and the veterans will then attend the Council workshop meeting to present the award to the Marlboro/Manalapan Post 972 Jewish War Veterans.

Regarding Item 15 (July 30 Concert for Benefit of Victims of Oklahoma City Bombing - Party Dolls), Council President Broderick announced that funds are being raised to pay for the concert, and Municipal Clerk Evelyn Piccolini will inform them as the amount collected so far.

Regarding Item 17 (Liquor Licenses Report), Council President Broderick announced that Municipal Clerk Evelyn Piccolini had received one bid for each liquor license. The bid for the plenary retail distribution license was submitted by Worthwhile Inc. (Spirits Unlimited), and the bid for the plenary retail consumption license was submitted by Briad Restaurant Group (T.G.I. Fridays). Bids will be opened by Mrs. Piccolini on May 16th at 10 AM, and Council will take action on the award of bid at the May 25th meeting.

Regarding Item 18 (Gas Conversion - all municipal buildings), Council moved the resolution authorizing the bid to the May 25th meeting.

Regarding Item 20 (County Park - update on status of County Park) Deputy Mayor Rosenthal gave a short synopsis. He stated that he and Deputy Mayor Lein had met with Jim Truncer of the Mon. County Park System. Mr. Truncer was very encouraging and projected the feeling that the park will become a reality. The Mon. County Park System will have an appraisal done of the property, and a letter is now being prepared to the township on this issue. Negotiations will then begin on setting a price for the property. The Mon. County Board of Chosen Freeholders have pledged their support for this project. Township Attorney John Bennett will set up a meeting with County and Municipal Officials next week to discuss a course of action. This will be discussed as further developments occur.

The following Items were carried to the May 25 agenda: Item 22 (Authorization to Bid: Outdoor Basketball & Tennis Court), Item 23 (HPROA Grant), Item 24 (Additional Depository - Berkeley Federal Bank & Trust, F.S.B.), Item 25 (Raffle License - Molly Pitcher Stitchers Quilt Guild), Item 26 (Tax Collector Resolutions) and Item 27 (Correction and/or Approval of Minutes: April 6 & 27, 1995).

Good & Welfare - Council President Broderick reminded Council about Kindness Day, which will take place May 19th. He asked the administration to check on the status of signs for the event. He announced the Memorial Day Parade on May 28th at 5 PM, and asked Council to participate. He also announced the Chief's retirement on June 30th.

At 11:30 P.M., Councilwoman Marcus moved that the meeting go into Closed Session for the purposes of discussing litigation and personnel. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 11th day of May, 1995 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 items 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. Action may be taken after such executive session.

At 11:45 PM, Council Vice President Colarusso moved that the meeting be opened. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #145-95 (Authorizing Contract - Collier Jacob & Mills, P.C.) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 145-95

RESOLUTION AUTHORIZING THE RETENTION OF THE  
PROFESSIONAL LEGAL SERVICES OF COLLIER JACOB & MILLS, P.C.

WHEREAS, there exists a need for special labor litigation counsel in a matter known as Kessler v. Township of Marlboro, et al, bearing Docket No. 94-6068; and

WHEREAS, the law firm of Collier Jacob & Mills will perform the necessary services at a rate of \$140.00 per hour not to exceed \$10,000.00 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 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 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.

NOW THEREFORE, BE AND IT IS HEREBY 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 to an agreement between the Township of Marlboro, its officers, agents and/or employees and Collier Jacob & Mills for legal services at a rate of \$140.00 an hour for legal representation in the matter hereinabove specified.

2. The Director of Finance is directed to file a certificate of availability of sufficient funds.

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. Matthew Scannapieco, Mayor
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Cynthia Jacob, Esq. (c/o Collier Jacob & Mills)
- e. Township Attorney

The following Resolution #146-95 (Authorizing Contract between Township and Joseph Walker) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 146-95

RESOLUTION AUTHORIZING THE EXECUTION OF A

SEPARATION AND GENERAL RELEASE AGREEMENT BETWEEN  
THE TOWNSHIP OF MARLBORO AND JOSEPH WALKER CHIEF OF POLICE

WHEREAS, the Township of Marlboro and Joseph Walker, Chief of Police have reached an agreement with respect to his separation from employment with the Township of Marlboro; and

WHEREAS, Chief Walker has faithfully dedicated over 30 years of public service to the Township of Marlboro.

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 the attached Separation and General Release Agreement on behalf of the Township of Marlboro.

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

- a. Matthew Scannapieco, Mayor
- b. Robert Albertson, Business Administrator
- c. Joseph Walker, Chief of Police
- d. Evelyn Piccolini, Township Clerk
- e. Township Attorney

The following Resolution # 147-95 (Authorizing Contract - Raymond Papperman - Marlboro Recreation Center) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 147-95

RESOLUTION AUTHORIZING THE RETENTION  
OF THE PROFESSIONAL LEGAL SERVICES OF  
RAYMOND S. PAPPERMAN, ESQ.

WHEREAS, there exists a need for the professional legal services of Raymond S. Papperman, Esq., to serve as Special Counsel to the Township of Marlboro in a matter known as the Marlboro Recreation Center; and

WHEREAS, Raymond S. Papperman, Esq., will perform the required services at the rate of \$140.00 per hour, with a cap as to the expenditure not to exceed \$5,000.00, 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 1995 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.

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 Raymond S. Papperman, 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 1995 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. Raymond S. Papperman, Esq.
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Township Attorney

The following Resolution #148-95/Ordinance #27-95 (Amending Chapter 4 - Department of Code Enforcement) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 148-95

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

ORDINANCE # 27-95

AN ORDINANCE TO AMEND ARTICLE XII OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO,  
DEPARTMENT OF CODE ENFORCEMENT

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 15, 1995 at 7:30 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 # 27-95

AN ORDINANCE TO AMEND ARTICLE XII OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO,  
DEPARTMENT OF CODE ENFORCEMENT

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

1. T4-86 shall be amended to add the following:

There shall be under the jurisdiction of the Division of Building Inspections, the position of Housing Inspector. This shall be a part-time position. The individual appointed to perform the function of Housing Inspector shall have and possess the authority to inspect for any deviations from the State of New Jersey Uniform Construction Code as well as the Property Maintenance Code of the Township of Marlboro, under direction of the Division Head. This position may be held jointly, by the same person, as the person holding the position of Complaint Investigator, as described in T4-87.

2. T4-87 shall be amended to add the following:

There shall be within the Division of Zoning Enforcement the position of Complaint Investigator. This shall be a part-time position. Under the supervision and direction of the Division Head, the Complaint Investigator shall be responsible for inspections to ensure compliance with ordinances of the Township of Marlboro, other than those already delineated in T4-86, or otherwise provided for in the Code of the Township of Marlboro, or as provided in the laws of the State of New Jersey. The position of Complaint Investigator may be held jointly, by the same person, as the position of Housing Inspector, provided in T4-86.

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

4. If any portion of the ordinance is later ruled to be invalid, it shall not affect the validity of any other provision, to the extent the provisions may be deemed severable.

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

The following Resolution #149-95 (Amending Res. #83-95 - Reduction of Cash and Performance Bonds - Hamptons, Section 4) was introduced by reference offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 149-95

RESOLUTION AMENDING RESOLUTION NO. 83-95 AUTHORIZING THE  
REDUCTION OF CASH AND PERFORMANCE BONDS - HAMPTONS,  
SECTION 4.

WHEREAS, the Township of Marlboro received a request for reduction of Township held Cash and Performance Bonds for a development known as the Hamptons, Section 4: and

WHEREAS, the Mayor and Council of the Township of Marlboro have received and reviewed reports from the Township Engineers, dated February 15, 1995: and Schoor DePalma, Inc.; and

WHEREAS, the Resolution No. 83-95 was passed on March 23, 1995 reducing the Performance and Cash Bonds with regard to this development: and

WHEREAS, paragraph 2 of said Resolution included a figure of \$83,672.00 as the Cash Bond held: requiring a reduction of \$58,570.00, leaving a remaining Sum of \$25,102.00: and

WHEREAS, following the passage of Resolution No. 83-95 the Township Engineer's Office learned that the amount actually held in the Section 4 Cash amount represented \$52,570.99: and

WHEREAS, the Township Engineer's Office in an effort to conform with Resolution No. 83-95 returned the sum of \$27,405.99, leaving a remaining \$25,102.00 on account as set forth in Resolution No. 83-95: and

WHEREAS, the actual amount retained, based on the correct Section 4 Cash Bond account figure of \$52,507.99 should have been \$15,752.40, entitling the developer to an additional \$9,349.60, representing a seventy (70%) percent reduction in the amount actually held on the date Resolution No. 83-95 was entered.

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



## MARLBORO TOWNSHIP COUNCIL MEETING

May 25, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on May 25, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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 sixth-grade Project Venture students of Marlboro Elementary and Robertsville Schools took over as Mayor and Council, and adopted the following Resolution proclaiming Kindness Day to be an annual event in the Township of Marlboro. Tricia Steefel acted as Mayor, David Schumer acted as Council President, and Adam Cooper, Stefanie Zaitz, Beth Bayer and Alison Wallace acted as Council.

RESOLUTION PROCLAIMING KINDNESS DAY  
TO BE AN ANNUAL EVENT IN THE TOWNSHIP OF MARLBORO

WHEREAS, May 19, 1995, was declared and proclaimed to be Kindness Day in Marlboro, a special day where all township officials, representatives, businesses, organizations, churches, and residents were encouraged to promote acts of kindness and forgiveness towards others; and

WHEREAS, students, parents, and teachers raised over \$6,000 to send to the Children's Relief Fund of Oklahoma City through the solicitation of donations from white ribbons; and

WHEREAS, this meaningful joint venture between the Town Council and the children in this district enormously benefited all parties involved to create a kinder culture throughout this community.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend the sixth-grade students for their outstanding and dedicated work on this project.

BE IT FURTHER RESOLVED that the Township Council will continue to support the efforts of township students in their desire to declare Kindness Day as an annual event.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Mrs. Virginia Mc Donald and Mrs. Sue Bornstein and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation and proclamation.

The funds were turned over to Councilman Metzger, who was the Council liaison for this project. Council President Broderick commended Councilman Metzger for the outstanding job he did in coordinating this program. Council President Broderick commended everyone involved in this program, as this was a wonderful experience for all. Councilman Metzger also commended the students for this outstanding project, and thanked Mrs. Bornstein and Mrs. McDonald. Several other students gave accounts of what activities had taken place on Kindness Day.

D A R E Awards - Lt. Holmes, Detective Van Note, Detective Fox, and Officer Nagle were present. Lt. Homes presented an award and D A R E jacket to Keith Friedman, the winner of the D A R E poster contest this year. Councilman Friedman expressed his pleasure at being able to witness his grandson receiving this wonderful award. Detective Van Note presented an award to Mr. Fowler for the outstanding work he did on the D A R E videos. He also thanked him for doing a video on Operation Prom. Council President Broderick commended the three D A R E officers for their outstanding commitment to this program. Mayor Scannapieco also praised these officers for all they do. The Mayor also recognized the senior officers of the D A R E program, Captain Hardy (who could not be present because of illness) and Lt. Holmes, and presented them with plaques.

The following Resolution #150-95 (Commending Marlboro Community Players for 20 years of Service to Community) was read by Council President Broderick, offered by Council Vice President Colarusso, seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot. Council President Broderick presented a framed Resolution to Jerry Donis, President of the Marlboro Community Players, and commended the company for the excellence of their productions.

RESOLUTION # 150-95RESOLUTION COMMENDING THE MARLBORO COMMUNITY PLAYERS  
FOR TWENTY YEARS OF SERVICE TO THE COMMUNITY

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that the Marlboro Community Players theater group has been providing service in the form of entertainment to the community for twenty years; and

WHEREAS, the Marlboro Community Players was formed with twenty members in, November of 1975, and has now grown to over 50 people, including performers, directors, production staff and creative staff, and has, over the years, consistently provided wholesome family entertainment for our community; and

WHEREAS, the Marlboro Community Players additionally serves our community by providing acting classes and assisting on various Township productions by lending equipment and costumes; and

WHEREAS, the Mayor and Township Council feel that the Marlboro Community Players has provided an extremely valuable service to our community and wish to take this opportunity to congratulate and thank the Marlboro Community Players for twenty years of service to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend and thank the Marlboro Community Players for their outstanding service to the residents of the Township of Marlboro for twenty years.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Marlboro Community Players (c/o Jerry Donis, President), and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #151-95 Commending Glenda Grill for Outstanding Effort - Holocaust Memorial Service) was read by Mayor Scannapieco, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. A framed resolution was presented to Glenda Grill, and she was congratulated.

RESOLUTION # 151-95RESOLUTION COMMENDING GLENDA GRILL  
FOR HER OUTSTANDING EFFORTS IN COORDINATING  
THE HOLOCAUST MEMORIAL SERVICE

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that Glenda Grill did an outstanding job in

coordinating the Holocaust Memorial Service, which was held on Sunday, April 30, 1995; and

WHEREAS, Glenda Grill, in conjunction with a group known as "Second Generation," who are children of Holocaust survivors, provided a significant contribution to the program, which was an interfaith Holocaust remembrance day involving residents and clergy members of all faiths at the Marlboro High School; and

WHEREAS, the memorial included stories told by survivors, songs sung by choirs of the various faiths of our community and, most of all, remembrance of those who were persecuted and slaughtered by the Nazis and their many supporters during the Holocaust; and

WHEREAS, the Township of Marlboro now wishes to recognize the creative talents of Glenda Grill which helped to make the Holocaust Memorial Service a success.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend and thank Glenda Grill for her outstanding efforts in coordinating the Holocaust Memorial Service.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Glenda Grill, all churches and congregations of the Township, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

Council President Broderick announced the Concert in the Park series, and mentioned that the July 30th concert featuring the Party Dolls had been added to benefit the victims of the Oklahoma City tragedy. He added that this concert is being paid for by private donations, and thanked Municipal Clerk Evelyn Piccolini for her hard work in soliciting donations.

Administrative Report - Mayor Scannapieco announced that the the annual Memorial Day Parade will take place on Sunday at 5 PM, starting at the Marlboro Mall, at Route 79 and School Road West. Following the parade will be a presentation to the honorees, and a concert at 7 PM followed by a fireworks display.

Council Speaks Out - Councilman Metzger remarked how fortunate he feels to live in a town such as Marlboro, where there are so many outstanding individuals and organizations. Council President Broderick mentioned the invitation of Nancy Horowitz for Council to attend the next alliance meeting on June 15th at 9:30 AM at Discovery, Inc., which will be followed by a tour. He felt this will be a worthwhile event, and asked those Council

members who can participate do so.

Citizen's Voice - There was no one who wished to speak.

Council Vice President Colarusso moved that the minutes of April 6 and 27, 1995 be approved. This was seconded by Councilwoman Marcus and as there was no objection, the Clerk was asked to cast one ballot.

Council President Broderick opened the Public Hearing on Ord. # 9-95 (Repealing Section 84-57 - Hospital Zone and Creating Agriculture/Land Conservation District). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #152-95/Ordinance #9-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 152-95

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

ORDINANCE # 9-95 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY," SO AS TO REPEAL THE CONTENTS OF SECTION 84-57 THEREOF, ENTITLED "HOSPITAL ZONE," AND CREATE A NEW ZONE DISTRICT TO BE KNOWN AS THE "AGRICULTURE/LAND CONSERVATION DISTRICT."

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

Council President Broderick opened the Public Hearing on Ord. # 22-95 (Amending Various Sections Chapter 84 - Agriculture/Land Conservation District). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #153-95/Ordinance #22-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 153-95

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

ORDINANCE # 22-95

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, ENTITLED "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 Broderick opened the Public Hearing on Ord. # 24-95 (Amending Chapter 4 - Dept. of Recreation and Open Space). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #155-95/Ordinance #24-95 was introduced by reference, offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 155-95

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

ORDINANCE # 24-95

AN ORDINANCE AMENDING ARTICLE XI, ENTITLED "DEPARTMENT OF RECREATION AND OPEN SPACE," 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 Broderick opened the Public Hearing on Ord. # 25-95 (Amend Bond Ord. #26-94 - Various Capital Improvements - Recreation). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #156-95/Ordinance #25-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 156-95

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

ORDINANCE # 25-95

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 26-94 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF

MARLBORO, NEW JERSEY ON OCTOBER 27, 1994  
 WHICH APPROPRIATED \$1,538,000 AND  
 AUTHORIZED THE ISSUANCE OF \$1,461,100  
 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS  
 CAPITAL IMPROVEMENTS.

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

ORDINANCE # 25-95

BOND ORDINANCE AMENDING BOND ORDINANCE #26-94  
 FINALLY ADOPTED BY THE TOWNSHIP OF  
 MARLBORO, NEW JERSEY ON OCTOBER 27, 1994  
 WHICH APPROPRIATED \$1,538,000 AND  
 AUTHORIZED THE ISSUANCE OF \$1,461,100  
 BONDS OR NOTES OF THE TOWNSHIP FOR VARIOUS  
 CAPITAL IMPROVEMENTS.

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 the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") entitled "Bond Ordinance Providing an Appropriation of \$1,538,000 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 \$1,461,100 Bonds or Notes of the Township for Financing Part of The Appropriation", finally adopted on October 27, 1994 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance pertaining to various improvements to certain Township buildings is hereby amended as follows: "Various Improvements to Town Hall, Town Hall Annex, Morganville Senior Center, Town Community Center and Emergency Medical Building, including furnishings thereto, including the acquisition of all work and materials necessary therefor or incidental thereto."

Section 3. All other provisions of this Ordinance shall remain unchanged.

Section 4. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

The following Resolution #157-95/Ordinance #28-95 (1995 Salary Ordinance) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 157-95

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

ORDINANCE # 28-95

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF  
MARLBORO 1995

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 15, 1995 at 7:30 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 # 28-95

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP  
OF MARLBORO 1995

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.

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, 1995.

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: each employee shall receive an annual noncumulative longevity payment outside of base salary, effective upon entry to the next level of earning, as follows:

<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	\$750.00
After fifteen (15) years of service through twenty (20) years of service	\$1,000.00
After twenty (20) years of service	\$1,250.00

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  
1995 SALARY ORDINANCE

Mayor	\$ 4,800.00
Councilperson	3,600.00
Business Administrator	77,561.00
Municipal Clerk	54,408.00
Deputy Municipal Clerk	48,300.00
Finance Director	4,000.00
Chief Financial Officer	54,408.00
Tax Collector	54,408.00
Tax Assessor	54,408.00
Township Attorney	88,000.00
Special Counsel	20,000.00
Counsel - Affordable Housing	10,000.00
Municipal Presiding Judge	21,000.00
Municipal Judge	18,900.00
Township Engineer	80,764.00

Construction Official/Electrical Subcode	69,457.00
Superintendent - Public Works	61,370.00
Court Administrator	47,373.00

The following Resolution #158-95/Ordinance #29-95 (Amending Various Sections of Chapter 84 - Fencing Requirements) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 158-95

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

ORDINANCE # 29-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 84, ENTITLED  
"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 15, 1995 at 7:30 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 # 29-95

AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 84, ENTITLED  
"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, and State of New Jersey, as follows:

1. Section 84-4, entitled "Definitions," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown in ~~strikeout~~):

**SWIMMING POOL, PORTABLE -**

~~portable-pools-shall-not-be-subject-to~~ the pool requirements of  
~~this-chapter-and-are-these-pools-which-are-not-otherwise~~  
~~permanently-installed,-do-not-require-water-filtration,~~  
~~circulation-and-purification,-do-not-exceed-eighteen-(18)-inches~~  
~~in-depth,-do-not-exceed-a-water-surface-of-one-hundred-(100)~~

square feet, and do not require braces or supports. Portable pools shall be those pools which are not permanently installed and are of a lesser size than that regulated by the B.O.C.A. National Building Code/1993 edition, as amended from time to time.

**SWIMMING POOL, PRIVATE RESIDENTIAL** - ~~Artificially constructed pools, whether located above or below the ground, having a depth of more than eighteen (18) inches and or a water surface of more than seventy-five (75) square feet, designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests and which is located on a lot as an accessory unit, and shall include all buildings, structures, equipment and appurtenances thereto.~~ Shall be defined by the B.O.C.A. National Building Code/1993 edition, as amended from time to time.

2. Section 84-36, entitled "Private Swimming, Wading and Portable Pools," of Chapter 84 "Land Use Development and Regulations" of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown in **strikeout**):

**Section 84-36. Private swimming, wading and portable pools.**

A. Definitions. The words, terms or phrases listed below, for the purpose of this section, except when the context requires a different meaning, shall be defined as follows:

**PORTABLE POOL** - ~~Any above surface type pool of more than seventy-five (75) cubic feet capacity, not stationary or fixed, and capable of annually being removed for storage.~~ Portable pools shall be those pools which are not permanently installed and are of a lesser size than that regulated by the B.O.C.A. National Building Code/1993 edition, as amended from time to time.

**PRIVATE SWIMMING POOL** - ~~Any pool of water depth in excess of eighteen (18) inches and an area greater than seventy (75) square feet, designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool, it shall further mean and include bill and draw, flow, through and recirculation pools which are artificially constructed to provide recreational facilities for swimming, bathing or wading, and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor ponds, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts.~~ Shall be as defined by the B.O.C.A. National Building Code/1993 edition, as amended from time to time

F. Fencing. Enclosures for Private Swimming Pools.

- (1) All private swimming pools now existing or hereafter

constructed, installed, established or maintained, with the exception of wading and portable pools, shall be completely and continuously surrounded and enclosed by a permanent durable wall, fence or other approved barrier which shall be no more than six (6) feet nor less than four (4) feet in height above grade and shall be so constructed as to have the opening, mesh, hole or gap larger than two (2) inches in any dimension, except for doors and gates; provide, however, if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed two and one-half (1/2) inches. No fence of any kind or material shall be constructed or maintained which shall contain projections of any kind at any point on the outer surface of said fence. A dwelling house or accessory building may not be used as part of such enclosure. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimension of openings, mesh, holes or gaps in the cases of fences, and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or the door securely closed at all times when not in actual use. Gates shall be a minimum of four (4) feet of ground level. Gates and doors shall be locked when the pool is not in use or it is unguarded or unattended; provided, however, that nothing herein contained shall be construed to require the construction of an additional wall, fence or barrier where, in lieu thereof the entire premises or a part thereof wherein the pool shall be fully enclosed by a wall, fence or barrier which meets the specifications set forth herein. No fence shall be closer than six (6) feet from any point of the pool, which shall be constructed in accordance with the requirements of the B.O.C.A. National Building Code/1993 edition, as amended from time to time. All gates, latches, and doors used in conjunction with any of the above approved enclosures shall also conform to the specifications required by the B.O.C.A. National Building Code/1993 edition, as amended from time to time.

#### G. Location.

(3) No private swimming pool shall have an area in excess of ten percent (10) of the area of the lot upon which it is constructed or installed; provided, however, that in any event said All private swimming pools shall comply with the zoning regulations as to rear and side line requirements governing accessory building.

#### J. General Provisions.

(6) Stockade fences and similar solid-type fences are not to enclose more than fifteen percent (15) of the lot area. In all respects, private swimming pools shall comply with the requirements of the B.O.C.A. National Building Code/1993 edition, as amended from time to time, which shall prevail over any inconsistencies which may exist in this or any other charter of the Code.

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 #159-95 (Supplementary Insurance Coverage for Retirees - age 65 & over) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 159-95

RESOLUTION ESTABLISHING RETIREE HEALTH BENEFITS FOR  
ELIGIBLE NON-UNION ALIGNED TOWNSHIP EMPLOYEES

WHEREAS, municipalities are empowered to provide retiree health benefits to their long term employees pursuant to N.J.S.A. 40A:10-23 who meet certain age and service criteria; and

WHEREAS, the Council of the Township of Marlboro has previously adopted a resolution establishing eligibility criteria for retiree health benefits for certain Township employees, Resolution No. 23-95; and

WHEREAS, the Council of the Township of Marlboro now wishes to establish retiree health benefits for those nonaligned employees who meet the eligibility requirements of Resolution No. 23-95 of the Council of the Township of Marlboro; and

WHEREAS, the Council of the Township of Marlboro has considered different available retiree benefits plans; and

WHEREAS, the Council of the Township of Marlboro feels that the American Association of Retired Persons (hereinafter "AARP") Group Health Insurance Program Plan J best suits the needs of the Township and employees who receive the benefits.

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

1. The Township will provide a health benefit program known as the AARP Group Health Insurance Program Plan J, and shall pay 50% of the monthly premium required for such while the eligible employee will pay the other 50%, for all employees eligible for retiree health benefits pursuant to Resolution No. 23-95 of the Township Council of the Township of Marlboro; and

2. That nothing contained herein shall be interpreted to require the Township to provide any specific level of health benefits or prevent the Township from changing the provider of such benefits; and

3. That this Resolution is subject to changes in state and federal laws and insurance company underwriting; and

4. That nothing in this Resolution shall be construed as offering a retirement incentive or requiring or encouraging an employee's retirement. In the event this Resolution is so construed by a Court or agency of competent jurisdiction, this Resolution shall be completely null and void; and

5. Any retiree health benefits for employees who are members of a Collective Bargaining Unit shall be governed by the applicable Collective Bargaining Agreement; and

6. This Resolution shall be completely null and void in the event that the benefits provided herein are extended beyond intent expressed in this Resolution; and

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

- a. Sheila Fishkin, Chief Financial Officer
- b. Township Attorney

The following Resolution #160-95 (Authorization to Bid: Gas Conversion at Municipal Buildings & Outdoor Basketball Court & Tennis Court) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 160-95

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:

- Gas Conversion at Municipal Buildings  
Outdoor Basketball Court & Tennis Court

The following Resolution #161-95 (Award of Bid: Plenary Retail Consumption License) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Brad Honigfeld of Briad Restaurant Group was presents, and both Mayor Scannapieco and Council President Broderick congratulated him and welcomed his firm to Marlboro.

RESOLUTION # 161-95

RESOLUTION OF THE MAYOR AND  
TOWNSHIP COUNCIL AWARDING BID  
IN TOWNSHIP, OF MARLBORO PUBLIC  
SALE OF ONE (1) PLENARY RETAIL  
CONSUMPTION LICENSE PURSUANT TO  
N.J.S.A, 33:1-19 ET SEQ.

WHEREAS, by Resolution No. 78-95, dated March 23, 1995, the Mayor and Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, did authorize the issuance of one (1) new plenary retail consumption license; and

WHEREAS the terms and conditions of the pub#c sale were included in Resolution No. 78-95, which is incorporated herein as it set forth at length and attached hereto; and

WHEREAS, consistent with N.J.S.A. 33:1-19.4, the one prospective bidder, Briad Restaurant Group, Inc., was publicly announced by the Township Clerk as meeting the above - referenced qualifications for bidding; and

WHEREAS, Briad Restaurant Group, Inc. was the only applicant who filed a sealed bid in the amount of \$225,000.00, along with a non-refundable 10% bid deposit fee; and

WHEREAS, while the bid will be awarded to Briad Restaurant Group, Inc., the actual license sale will not occur until the full payment price of \$225,000.00 is tendered upon the issuance of a Certificate of Occupancy or by December 31, 1995, whichever occurs first.

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

1. Briad Restaurant Group, Inc. is hereby declared to be the successful bidder at the subject sale of one (1) plenary retail consumption license.
2. Briad Restaurant Group, Inc. will not achieve licensee status unless and until it receives a Certificate of Occupancy for an appropriate licensed premises or by December 31, 1995, whichever occurs first.
3. Upon payment of the remaining \$202,500.00 and satisfaction of all licensure conditions, Briad Restaurant Group, Inc. must apply for a pro forma person-to-person transfer and for a transfer to a licensed premises.

BE IT FURTHER RESOLVED that a duly authenticated copy of the Resolution be transmitted to the following:

1. Briad Restaurant Group, Inc.
2. Joseph Walker, Chief of Police
3. John B. Holl, Director, NJ Division of A.B.C.
4. John O. Bennett, III, Township Attorney

The following Resolution #162-95 (Award of Bid: Plenary Retail Distribution License) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Mrs. Davison of Spirits Unlimited was present and was also welcomed to Marlboro by the Mayor and Council President.

RESOLUTION #162-95

RESOLUTION OF THE MAYOR AND  
TOWNSHIP COUNCIL AWARDING BID  
IN TOWNSHIP OF MARLBORO PUBLIC  
SALE OF ONE (1) PLENARY RETAIL  
DISTRIBUTION LICENSE PURSUANT TO  
N.J.S.A.33:1-19 ET SEQ.

WHEREAS, by Resolution No. 78-95. dated March 23. 1995, the Mayor and Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, did authorize the issuance of one (1) new plenary retail distribution license; and

WHEREAS, the terms and conditions of the public sale were included in Resolution No.78-95. which is incorporated herein as it set forth at length and attached hereto; and

WHEREAS, consistent with N.J.S.A. 33: 1-194. the one prospective bidder, Worthwhile, Inc., was publicly announced by the Township Clerk as meeting the above - referenced qualifications for bidding; and

WHEREAS. Worthwhile Inc., was the only applicant who filed a sealed bid in the amount of \$175,000.00, along with a non-refundable 10% bid deposit fee; and

WHEREAS, while the bid will be awarded to Worthwhile Inc.. the actual license sale will not occur until the full payment price of \$175,000.00 is tendered upon the issuance of a Certificate of Occupancy or by December 31, 1995, whichever occurs first.

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

1. Worthwhile, Inc. is hereby declared to be the successful bidder at the subject sale of one (1) plenary retail distribution

license.

2. Worthwhile, Inc. will not achieve licensee status unless and until it receives a Certificate of Occupancy for an appropriate licensed premises or by December 31, 1995, whichever occurs first.

3. Upon payment of the remaining \$158,000.00 and satisfaction of all licensure conditions, Worthwhile, Inc. must apply for a pro forma person-to-person transfer and for a place to place transfer.

BE IT FURTHER RESOLVED that a duly authenticated copy of the Resolution be transmitted to the following:

1. Worthwhile Inc.
2. Joseph Walker, Chief of Police
3. John B. Holl, Director, N.J. Division of A.B.C.
4. John O. Bennett, III, Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #163-95 (HPROA Grant), Res. #164-95 (Additional Depository - Berkeley Federal Bank & Trust, FSB), Res. #165-95 (Raffle License - Molly Pitchers Stitchers), Res. #166-95 (Tax Court Judgments - Various), Res. #167-95 (Tax Refund on Preliminary Bill 1995 Second Quarter), and Res. #168-95 (Redemption of Tax Sale Certs - Various), and Res. #169-95 (Change Order - Morganville Senior Citizen's Building).

RESOLUTION # 163-95

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 \$17,900, State with \$4,400 local share for a total contract of \$22,300 for 1996 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 # 164-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following named bank be designated as an official depository of funds of the Township of Marlboro:

Berkeley Federal Bank & Trust, FSB

RESOLUTION # 165-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RA: 8-95 be and it is hereby granted to Molly Pitcher Stitchers Quilt Guild.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 1995 at 4:00 PM at Marlboro Middle School, Route 520, Marlboro, New Jersey 07746.

RESOLUTION # 166-95

WHEREAS, the Tax Court of New Jersey has granted judgments for the year 1994 as per the attached Schedule "A",

WHEREAS the 1994 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$7,964.98 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$7,964.98.

SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	REFUND
268.01/41.01 Route 9	Willow Pointe Associates, L.P. c/o Peter J. Zipp, Esq. Suite 2-A 215 Gordons Corner Road Englishtown, NJ 07726	\$1,223.50
270/16 Route 9	Alan R. Hammer, Trustee for J. Morris & Associates Brach, Eichler, Rosenberg, Silver, Bernstein, Hammer & Gladstone 101 Eisenhower Parkway Roseland, NJ 07068-1067 Re: Marlboro Associates	1,223.50

270/16.01  
Nash Court

Alan R. Hammer, Trustee  
for J. Morris & Associates  
Brach, Eichler, Rosenberg,  
Silver, Bernstein, Hammer  
& Gladstone  
101 Eisenhower Parkway  
Roseland, NJ 07068-1067  
Re: Marlboro Associates

5,517.98

AMOUNT TO BE REFUNDED: \$7,964.98

RESOLUTION #167-95

WHEREAS, the attached list, known as Schedule is comprised of an amount representing payment for 1995 second quarter taxes based upon the preliminary bill, and

WHEREAS, the above-referenced Block and Lot no longer appears on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro this amount totaling \$143.41 to the respective taxpayer.

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
119	40	PNC Mortgage Servicing Co. Tax Department 539 Fourth Avenue Louisville, KY 40296 Re: Charles D. Frazier 26 Petra Drive	\$143.41

TOTAL TO BE REFUNDED: \$143.41

RESOLUTION # 168-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$55,408.01 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 \$55,408.01 be refunded to the certificate holders as per Schedule "A".

## SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-28	173/7 C0226	Betty Simon, Trustee	\$15,210.59
	Teasdale Place		
92-28	173/7 C0226	Betty Simon, Trustee	699.82
	Teasdale Place	(Foreclosure Fees)	
92-155	173/7 C0348	Walter Blok	339.16
	Mayfair Place		
93-34	180/79.01	Irwin M. Fine	34,300.94
	Crine Road		
93-49	173/7 C0348	Carol L. Baron, Trustee	585.70
	Mayfair Place		
93-59 & 94-62	283/4	George Schafer, Trustee	4,271.80
	Dickinson Lane		

TOTAL ----- \$55,408.01

RESOLUTION # 169-95

RESOLUTION AUTHORIZING CHANGE ORDERS TO  
THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO  
AND DEEDEE, INC. REGARDING THE ADDITION TO THE  
MARLBORO SENIOR CITIZENS' CENTER

WHEREAS, due to unanticipated circumstances which have arisen during the course of construction of the Marlboro Senior Citizens' Center, the architects on this project, the Israel Design Group, have recommended certain Change Orders known as Change Orders Number One, Two and Three, to amend the contract in accordance with the attached; and

WHEREAS, the proposed Change Orders do not exceed the twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township of Marlboro has received the recommendation of the Business Administrator to enter into the said Change Orders; and

WHEREAS, as a result, the Township of Marlboro and DeeDee Inc, wish to amend the contract covering the construction of the Marlboro Senior Citizens' Center in accordance with the terms specified in the attached Change Orders.

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

1. That the Township is authorized to enter into the attached Change Orders which shall be considered amendments to the original contract between the Township of Marlboro and DeeDee, Inc. regarding construction of the Marlboro Senior Citizens' Center.

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

- a. The Israel Design Group  
33 Apple Street  
Tinton Falls, NJ 07724  
(Attention: Mel Israel)
- b. DeeDee, Inc.
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

Council President Broderick opened the Public Hearing on Ord. # 23-95 (Amending and Supplementing Section 84-54 (CIR - Commercial - Industrial - Research District). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #154-95/Ordinance #23-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 154-95

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

ORDINANCE # 23-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-54, ENTITLED "CIR COMMERCIAL - INDUSTRIAL - RESEARCH 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 #170-95/Ordinance #26-95 (Amending Sections 84-4 and 84-48 - MFD Multi-Family District) was introduced by reference, offered by Councilman Friedman, seconded

by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 170-95

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

ORDINANCE # 26-95 (As Amended)

ORDINANCE AMENDING AND SUPPLEMENTING  
SECTIONS 84-4 (DEFINITIONS) AND 84-48  
(MFD MULTI-FAMILY 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 15, 1995 at 7:30 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 # 26-95 (As Amended)

ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 84-4 (DEFINITIONS) AND 84-48  
(MFD MULTI-FAMILY 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 84-4 (Definitions) of Chapter 84 (Land Development and Regulations) of the "Code of the Township of Marlboro, N.J." is hereby amended and supplemented to establish the following defined term: ESTATE HOME - One (1) detached single family dwelling developed in a condominium form of ownership.

2. Section 84-48 (MFD Multi-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 establish the following provisions to be added to Section B, C, and D as follows (deletions appear in ~~strikeout~~; additions are underlined):

B. Permitted Uses: clustered townhouses (sometimes herein referred to as "units") as defined under Section 84-4, and garden apartments (sometimes herein referred to as "units") as

defined under Section 84-4, and estate homes (sometimes herein referred to as "units") as defined under Section 84-4.

C. Permitted Accessory Uses: Noncommercial swimming pools, tennis courts, and other recreational facilities for the exclusive use of residents and their guests, off-street parking facilities and, in association with units, noncommercial parking garages for the exclusive use of site residents only.

D. For any units to be developed in this district the following regulations and provisions shall apply:

- (1) Minimum lot size. No building which is intended or designed to be used, in whole or in part, as a unit herein shall be erected or constructed upon a lot containing an area of less than ten (10) acres, except that if a zone boundary line passes through any lot of five (5) acres or more with the result that the area available for unit construction is less than ten (10) acres, such area of less than ten (10) acres may be approved for unit development; provided, however, that all other regulations pertaining to the erection or construction of the units shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.
- (2) With respect to clustered townhouses and buildings containing low and moderate income units only, the distance between two (2) adjacent buildings side to side shall not be less than thirty (30) feet. With respect to garden apartments, the average distance between two (2) adjacent buildings shall not be less than one and one-half (1 1/2) times the height of the taller adjacent building, but in no instance shall the distance be less than thirty (30) feet. With respect to estate homes, the distance between two (2) adjacent buildings side to side shall not be less than ten (10) feet. With respect to clustered townhouses, the distance between two (2) adjacent buildings rear to rear shall not be less than fifty (50) feet and side to rear shall not be less than thirty (30) feet. With respect to estate homes, the distance between two (2) adjacent buildings rear to rear shall not be less than fifty (50) feet and side to rear shall not be less than twenty-five (25) feet.
- (3) Density. No more than eight (8) units shall be permitted per gross acre.

- (4) **Rooms.** Each separate dwelling unit shall contain separate bedroom, separate bathroom, separate living room and separate kitchen facilities, which kitchen facilities shall be located separate and apart from other rooms. A bedroom shall be construed as any separate room, other than a dining room, kitchen or bathroom.
- (5) **Lot Coverage.** The maximum lot coverage of buildings shall be twenty percent (20%).
- (6) **Open Space.** The minimum percent of the required open space of the total area of the tract shall be not less than forty percent (40%).
- (7) **Building Plan.** Building elevations and floor plans for each typical unit shall be required.
- (8) **Height.** The height of the habitable part of the building shall not exceed three (3) stories, and the total height of the building shall not exceed thirty-five (35) feet. No basement units shall be permitted. In the PAC District, the heights shall be two (2) stories or thirty-five (35) feet.
- (9) **Sound Control.** All units shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission as tested by the American Society for Testing and Materials (E-90).
- (10) **Energy Conservation.** Where practical, all units shall be oriented to the greatest extent feasible, so as to maximize sun exposure as per the guidelines published by the New Jersey Department of Community Affairs.
- (11) **Recreational Facilities.** Both active and passive recreational facilities shall be provided with the approval of the Planning Board. Recreational requirements as set forth by the Planning Board, shall be met and developed with facilities suitable to serve the residents of the dwelling units. Said facilities shall be located so as not to be detrimental to adjacent property owners by virtue of noise, light, glare or any other objectionable features emanating therefrom.
- (12) **Minimum Frontage.** Minimum road frontage shall be four hundred (400) feet.
- (13) **Parking.** All parking facilities shall have

adequate screening and landscaping.

- (14) **Setbacks.** There shall be a front yard setback of at least fifty (50) feet and side and rear yard minimum setbacks of forty (40) feet from streets, The minimum setbacks from private roads and interior parking areas (curbline) shall be twenty-five (25) feet.
- (15) **Buffer and Landscaping.** All areas of a development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a development boundary line abuts a lot in a residential zone, which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of sixty (60) feet inside the boundary line of the development abutting a residential lot. If no adequate trees, shrubs or planting exists in the sixty-foot area in the natural state of the premises before the development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the sixty-foot area in accordance with Section 84-63 of this chapter. Where a development boundary line abuts a lot in a multifamily district residential zone, the sixty (60) foot area described above shall be reduced to forty (40) feet.
- (16) **Interior Roads.** All roads and other accessways within the development shall be private roads constructed, paved and curbed to a width of not less than thirty (30) feet. All private roads shall have a minimum radius at the centerline of the road of fifty (50) feet and a minimum curb return radius at intersections of twenty-five (25) feet. A minimum centerline tangent of at least fifty (50) feet shall be introduced between reverse curves on all such roads. Driveways serving more than one estate home shall be private roads constructed, paved and curbed to a width of not less than twenty-four (24) feet, with a maximum length of two hundred (200) feet (measured from the private road curbline to the beginning of the turn around area) and a minimum turn around area of not less than fifty (50) feet by fifty (50) feet. At the developer's option, public roads may be installed to township standards. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of

Marlboro Township. [Amended 3-20-86 by Ord. No. 6-86]

- (17) Parking. No parking shall be permitted on any road or accessway within the development. All parking shall be confined to the areas specially designated on the site plan for that purpose. Parking spaces of nine by eighteen (9 x 18) feet for each car shall be required to the extent of two and five-tenths (2.5) spaces per unit. If garages are provided, each garage may be counted for the equivalent of one (1) parking space for the purpose of this provision. [Amended 2-22-1990 by Ord. No. 7-90]
- (18) Principal Buildings.
- (a) No principal building shall:
- [1] Be designed for or occupied by more than twelve (12) families.
  - [2] Exceed one hundred sixty (160) feet in length in its longest dimension, provided, however, that buildings containing townhouse units only may exceed the foregoing length so long as they do not contain more than six (6) units.
  - [3] Provide less than two (2) exterior exposures, each of which shall be properly placed so as to provide thorough ventilation for each unit.
  - [4] Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being upon the roof. This subsection shall not apply to a common antenna tower.
  - [5] Allow any air-conditioning unit to project more than six (6) inches from the face of the wall of the building on which it is installed.
  - [6] Provide less than seven hundred (700) cubic feet of storage for each unit in the building.
- (b) Roof design and construction must be other than a flat roof.
- (c) The elevation and setbacks should be varied.

- (19) Utilities. For all developments, the applicant for the site plan approval shall arrange with the serving utility for the underground installation of the utilities distribution supply of the applicable standard terms and conditions incorporated as a part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have therefor been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines of extensions, but the service connections from the utilities overhead lines shall be installed underground.
- (20) Application fees concerning the Mt. Laurel II proposals (low- and moderate-income housing units only) shall be waived. Application fees for the balance of the project shall apply.
- (21) Fire walls. There shall be a fire wall between each unit.
- (22) Detention/Retention Facilities. Notwithstanding anything contained elsewhere in this Chapter 84, in those instances in which adjacent conditions (such as existing retention basin(s) impact upon the design and/or location of drainage facilities the Board may, in its discretion, permit (i) the top of the excavation or the toe of the outside slope shall be set back twenty-five (25) feet from an adjoining property line of a lot on which there is a multifamily residential use, (ii) the edge of the design high water for detention/retention basins to be set back fifty feet from existing or proposed dwelling units, (iii) the top of the excavation or the toe of the outside slope to be set back twenty-five feet from the edge of the pavement from adjoining roads, and (iv) wet detention/retention basins.

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 law.

5. The developer shall be responsible for all costs associated with this Ordinance.

The following Resolution #171-95 (Authorization to Bid: Contract - Heating and Air-Conditioning at Mun. Complex) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 171-95

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:

MECHANICAL CONTRACT FOR AIR-CONDITIONING AND HEATING UNITS  
AT MUNICIPAL COMPLEX

Public Session - Leah Shoshan - 2 Further Lane, Morganville - stated that her home faces Crine Road, and she wants to construct a fence on that one section. The cost of the fence is \$300, but she was told that a variance is necessary, which will be a financial hardship. Council President Broderick stated that a township official will contact her, to see if anything can be done. As there was no one else who wished to speak, the Public Hearing was closed.

The Township Attorney distributed a draft of a settlement agreement of the OLS suit, and asked that Council review it and call his office if they have any questions. Council will take action on this resolution at the next meeting.

Council President Broderick announced that the June 1 workshop meeting has been changed to June 8.

At 8:55 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Council Vice President Colarusso and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: June 15, 1995

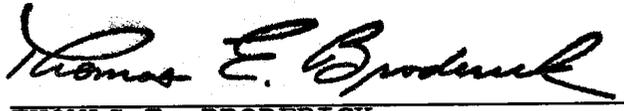
OFFERED BY: Colarusso

AYES: 5

SECONDED BY: Metzger

NAYS: 0

  
\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

  
\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

June 8, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on June 8, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk. Notice in the change of meeting date from June 1, 1995 to June 8, 1995 had been faxed to the Asbury Park Press and Star Ledger on May 26, 1995, posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Marcus, Councilman Metzger and Council President Broderick. Councilman Colarusso and Councilman Friedman were absent.

Also present were: Township Attorney John Bennett, Fred Raffetto, Esq., Fred Raffetto, Esq., Carmine Villani, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida De Gaeta.

The veterans from the Menlo Park Veterans Home presented the Marlboro/Manalapan Jewish War Veterans Post 972 with a plaque, to thank them for all that they do, volunteering their time to take them on trips. Council President Broderick congratulated them for their outstanding work, and Deputy Mayor Al Rosenthal expressed his thanks.

The following Resolution #172-95 (Award of Bid: 1995 Community Clean-up) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Colarusso and Friedman.

RESOLUTION # 172-95

BE IT RESOLVED THAT:

1. MID-JERSEY DISPOSAL  
be and they are determined to be the lowest bidder covering the

following work, labor and/or materials:

1995 Community Clean-up

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:

Mid-Jersey Disposal  
505 Memorial Drive, Neptune, N. J. 07753

on their low bid of: \$69,696; 32-yard container - \$110;  
recyclable material container - \$103.

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 #173-95 (Authorizing Settlement - OLS Litigation) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Colarusso & Friedman.

RESOLUTION # 173-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO ENTER INTO A SETTLEMENT AGREEMENT REGARDING  
LITIGATION KNOWN AS OLS CORPORATION VS. TOWNSHIP  
COUNCIL OF THE TOWNSHIP OF MARLBORO AND DAVID BIRNBAUM

WHEREAS, the Township of Marlboro has been involved in certain litigation with the developer of a residential development in Marlboro Township known as "The Hamptons" which litigation concerns the Township's administration of inspection fee accounts and bond accounts; and

WHEREAS, the case is captioned OLS Corporation vs. Township Council of the Township of Marlboro and David Birnbaum, bearing Docket No. L-003339-93; and

WHEREAS, the Township of Marlboro and OLS Corporation have reached an amicable resolution of said litigation and have agreed to settle the matter based upon the terms and conditions set forth in the attached Settlement Agreement which is made a part hereof. \*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 it hereby authorizes the Township to enter into the attached Settlement Agreement to resolve litigation known as OLS Corporation vs. Township Council of the Township of Marlboro and David Birnbaum, bearing Docket No. L-003339-93; and

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

- a. Carmine R. Villani, Esq.  
(Township Attorney's Office)
- b. Brian J. Mulligan, Esq.  
Sterns & Weinroth  
50 West State Street Suite 1400  
P.O. Box 1298  
Trenton, NJ 08607-1298  
(Attorney for OLS Corporation)
- c. David Birnbaum, P.E.
- d. Sheila Fishkin, Chief Financial Officer
- e. Robert Albertson, Business Administrator

Regarding Item 5 (Ordinance - Chapter 138 - Vehicles & Traffic - Dedicated Streets), Mr. Raffetto informed Council that this ordinance is basically a housekeeping measure, which DOT requested that the township adopt. This ordinance was moved to the June 15 meeting for First Reading.

Regarding Item 6 (Amending Hunting Map), Township Engineer David Birnbaum was present and discussed with Council that the new map has been prepared to add the new developments that have been constructed. This ordinance was moved to the June 15 meeting for First Reading.

Regarding Item 7 (Establishment of Historical Commission for preservation of Old Homes), Fred Raffetto, Esq. informed Council that there already exists in the Code a Division of Historic Sites and Traditions, and a Township Historian has been appointed by the Mayor. Councilwoman Marcus informed Council that she had spoken to the Mayor, and he suggested advertising for residents to serve on this board who may have knowledge of this area. As appointments to this board are made by the Mayor, Council could solicit volunteers and recommend them for a position. Once the division is in place, then the various projects that Council wish to preserve can be worked on. It was Council's consensus that Municipal Clerk Evelyn Piccolini place an advertisement in local papers to solicit volunteers for this board. Business Administrator Bob Albertson also suggested that Council consider adding the term "heritage" to this ordinance

sometime in the future, as there are some places that are not historical sites, but are part of the heritage of this community. Mr. Albertson was asked to work with the attorney on this. Mr. Albertson also stated that the County had conducted a site analysis of buildings beyond a certain age that may have historic value, and this could be helpful to the board. Deputy Mayor Charles Lein suggested that Township Engineer David Birnbaum consider joining this board because of his vast knowledge in this area.

Regarding Item 4 (Marlboro Little League Day), George Karatzia, of Little League, spoke about Marlboro Little League day, which is a fundraiser for 1996, similar to Marlboro Day. They would like to use the municipal complex on a Saturday in May. Council will do a letter and resolution endorsing this event, and such resolution was moved to the June 15 agenda. Little League will coordinate this event with administration.

Regarding Item 8 (Support of Constitutional Amendment Increasing Property Tax Deduction for Veterans from \$50 to \$100), it was Council's consensus to move a resolution of support to the June 15 agenda.

Regarding Item 9 (Change in Format of Tax Bills), Business Administrator Bob Albertson informed Council that it is now possible through the new Vital Program to have the telephone numbers of agencies (such as Monmouth County, Board of Education, etc.) put on the tax bills. This would benefit the Tax Office, as residents can refer questions to the proper agency. Administration recommended the change, and Council moved a resolution to the June 15 agenda.

Regarding Item 10 (Council Roundtable - Shared Services), Council President Broderick stated that he would like to create a dialogue with surrounding communities to share services and/or purchases. The members of the Council were all in favor of this concept, and were in agreement that Marlboro should host a meeting of representatives of other towns. Municipal Clerk Evelyn Piccolini was asked to call to ascertain whether there is interest in this concept.

The following Items were moved to the June 15 agenda: Bond Ordinance 1995 Capital Improvements as per Municipal Budget), Item 12 (Authorization to Bid: Mason Contract), Item 13 (Renewals 1995/96 Alcoholic Beverage Licenses), Item 14 (Authorizing Change Order - Rec. Center Gymnasium - contingent upon effective date of Bond Ord. 6-20), Item 15 (Increase Petty Cash from \$200 to \$400), Item 16 (Award of Bid: Refuse Collection at Municipal Buildings) and Item 17 (Tax Collector Resolutions).

Good & Welfare - Business Administrator Bob Albertson asked that Council adopt an ordinance to the June 15 agenda authorizing the leasing of equipment from the Monmouth County Improvement Authority. Council agreed, and moved this ordinance to the June 15 agenda. Mr. Albertson notified Council that the administration has notified Monmouth County Improvement Authority of their interest in the pooled government loan program for the \$1,100,000 proposed in this year's capital budget. This notification is to compare the interests rates with the normal bonding procedure, and does not constitute a commitment. Councilman Metzger thanked the representative of the Asbury Park Press for the outstanding article on Marlboro Random Act of Kindness Day. Council President Broderick announced the Marlboro Soccer Tournament on June 10th. Mr. Raffetto advised Council that Michael Weitz has informed him that he is ready to proceed with the ordinance(s) after having met with the Planning Board and Township Planner. Council moved this ordinance(s) to the June 15 meeting. Council President Broderick asked that this be placed as the first item on the agenda, and that the Board of Education be notified. Mr. Raffetto also stated that he had been contacted by the Special Counsel for the Recreation Center, and he would like to bring to Council a resolution authorizing and memorializing certain change orders. Council moved this resolution to the June 15 agenda. Council President Broderick announced the July 30th Concert featuring the Party Dolls for the benefit of the victims of the Oklahoma City bombing. He also stated that private contributions were solicited to pay for this concert, and was hopeful that the Recreation Center will be ready to be used for this concert.

At 8:50 P.M., Councilwoman Marcus moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Council President Broderick and as there was no objection to the following resolution, 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 8th day of June, 1995 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 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 9:10 PM, Councilman Metzger moved that the meeting be opened. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Colarusso & Friedman.

The following Resolution #174-94 (Authorizing Municipal Clerk to Participate in the Marlboro-Johana (Japan) Annual Exchange Program on behalf of Township) was introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Colarusso & Friedman.

RESOLUTION #174-95

RESOLUTION AUTHORIZING THE MUNICIPAL CLERK  
TO PARTICIPATE IN THE MARLBORO-JOHANA (JAPAN) ANNUAL  
EXCHANGE PROGRAM ON BEHALF OF THE TOWNSHIP  
OF MARLBORO

WHEREAS, the Township of Marlboro participates in the Marlboro-Johana (Japan) annual exchange program; and

WHEREAS, this year, the Township is sending a delegation of students and other representatives to Johana during the months of July and August; and

WHEREAS, the Township wishes to send the Township Clerk as an official representative of the Township of Marlboro to participate in the business portion of the exchange program; and

WHEREAS, this representative shall make appearances at formal receptions, deliver speeches, tour with official Japanese dignitaries and otherwise head the Marlboro Township delegation.

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

1. That it does hereby authorize the Township Clerk to attend the Marlboro Johana (Japan) annual exchange program on behalf of the Township of Marlboro.

2. That the Township Clerk shall not be required to utilize her accumulated leave while undertaking official business in Johana on behalf of the Township.

3. That the Township Clerk will be undertaking said business in Johana on all but three (3) days of the trip.

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

- a. Evelyn Piccolini, Township Clerk
- b. Robert J. Albertson, Business Administrator
- c. Township Attorney

At 9:15 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Absent: Colarusso and Friedman.

MINUTES APPROVED: July 13, 1995

OFFERED BY: Friedman

AYES: 3

SECONDED BY: Metzger

NAYS: 0

ABSENT: Broderick & Marcus

*Evelyn D. Piccolini*

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EVELYN D. PICCOLINI  
MUNICIPAL CLERK

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THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

June 15, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on June 15, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

**PRESENT:** Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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.

Administrative Report - Mayor Scannapieco stated that he is pleased that the extra curb has been removed from the corner of Tennent Road & Route 520, which should alleviate the traffic situation at that corner. The Mayor also stated that Superintendent Ed Smith is quite pleased at the progress being made with the township cleanup, as more than half the township has already been done. Mayor Scannapieco announced that he had met with Governor Whitman and several other Mayors to discuss the closure of Marlboro Psychiatric Hospital. The State is planning to take some of the pressure away from shore communities where there are numerous mental health patients living in boarding homes by closing the homes that are substandard and building appropriate housing elsewhere. Regarding use of the property subsequent to closure, the Mayor was informed that it will go through the normal process where the property would be offered to other departments within the State. If none are interested in acquiring the property, it would be offered to the County or local municipality, and if neither seek to acquire it, there would be a public auction. The process will start in July. The commissioner of the Dept. of Corrections had indicated in writing that he had no interest in siting or expanding any prison facilities in this area. The township is currently working with the County and State on the acquisition of the property on the south side of Route 520 for a park.

Council Speaks Out - Councilwoman Marcus brought up a letter which had been included in the Recreation Commission minutes from several young township residents asking for information on what programs will be held in the Recreation Center. She was impressed with the thoughtfulness that went into the letter and the quality of the work, and was hopeful that the Mayor and Recreation Commission will follow through on some of their suggestions. Council President Broderick announced the meeting hosted by Freeholder Narozanick NJTPA Transportation Improvement Program to be held on Monday, June 19th from 7 to 8:45 PM at the County Library, Manalapan. This is an open public meeting to discuss transportation projects in Monmouth County which will receive State and Federal funding. Council President Broderick announced that Council will be taking action on a resolution authorizing an agreement with NJ Transit for a bus shelter at the Texas Road Park & Ride at the July 13th meeting.

Citizen's Voice - Matthew Axelrod - 3 Fern Hill Court - asked that Council consider construction of a skateboarding facility, so that children can enjoy this activity safely. Mayor Scannapieco stated he will get this information to the Recreation Commission to determine the feasibility of this suggestion. The Mayor stated that they are proposing constructing a roller hockey rink on the municipal complex grounds, and he was hopeful that funding has been located to start construction this summer.

Mayor Scannapieco and Council President Broderick presented awards to all those who participated in Project Prom. Each commended the participants on the outstanding job they did.

The Mayor and Council President then presented plaques to Virginia Bruce & Carolyn Wilfong, Marlboro's Female Firefighters.

The following Resolution #175-95/Ordinance #30-95 (Amending Section 84-29 - Zoning Map) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and passed on a roll call vote of 4 - 0 in favor, with Council President Broderick abstaining.

RESOLUTION # 175-95

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

ORDINANCE # 30-95

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF MARLBORO, WHICH IS ESTABLISHED AT SECTION 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF 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 July 13, 1995 at 7:30 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 # 30-95

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF  
MARLBORO, WHICH IS ESTABLISHED AT SECTION 84-29  
(DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF REQUIREMENTS)  
OF CHAPTER 84 (LAND USE DEVELOPMENT AND REGULATIONS) OF  
THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. The Zoning Map of the Township of Marlboro, adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey," is hereby amended to rezone the following property so that it shall now be included in the R30/20 District: Block 132, Lot 12.

2. The Zoning Map of the Township of Marlboro, adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey," is hereby amended to rezone the following property so that it shall now be included in the PAC District: Block 193, Lots 54 and 54.01.

3. The Zoning Map of the Township of Marlboro, adopted at Subsection 84-29(B) of Chapter 84 of the "Code of the Township of Marlboro, New Jersey," is hereby amended to rezone the following property so that it shall now be included in the RSCS District: Block 171, Lot 15.

4. The Developer shall be responsible for the payment of all legal, administrative and other costs associated with the re-zoning.

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

6. In the event that any portion, phrase, or application of this ordinance is found to be void or unconstitutional the remainder of this ordinance shall be deemed severable only if the ordinance, with such item excised, is still capable of carrying out the intent and purpose of this ordinance as initially enacted.

7. This ordinance shall not take effect until the following events have occurred:

- (1) Approval by the New Jersey Council on Affordable Housing, if applicable, or by the Superior Court of New Jersey, Law Division, to the extent that it has retained jurisdiction over the Mount Laurel settlement dated December 24, 1985, as amended; and
- (2) Final passage and publication in accordance with the law; and
- (3) Filing with the Monmouth County Planning Board.

Council Vice President Colarusso moved that the minutes of May 5, 11 and 25, 1995 be approved. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Broderick opened the Public Hearing on Ord. #26-95 (Amending and Supplementing Sections 84-4 and 84-48 - MFD District). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #176-95/ Ord. #26-95 (Amending and Supplementing Sections 84-4 and 84-48 - MFD District) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 176-95

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

ORDINANCE # 26-95

ORDINANCE AMENDING AND SUPPLEMENTING  
SECTIONS 84-4 (DEFINITIONS) AND 84-48  
(MFD MULTI-FAMILY 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.

Council President Broderick opened the Public Hearing on Ord. #27-95 (Amending Article XII - Chapter 4 - Department of Code Enforcement). As there was no one who wished to speak, the Public Hearing closed. The following Res. #177-95/ Ord. #27-95 was introduced by reference, offered by Council

Vice President Colarusso, seconded by Councilman Metzger, and was passed on a roll call vote of 4 - 0 in favor, with Councilman Friedman abstaining.

RESOLUTION # 177-95

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

ORDINANCE # 27-95

AN ORDINANCE TO AMEND ARTICLE XII OF CHAPTER 4  
OF THE CODE OF THE TOWNSHIP OF MARLBORO,  
DEPARTMENT OF CODE ENFORCEMENT

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

Council President Broderick opened the Public Hearing on Ord. #28-95 (1995 Salary Ordinance). As there was no one who wished to speak, the Public Hearing was closed. A typographical error was corrected prior to adoption in the Township Attorney line. The following Res. #178-95/Ord. #28-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 178-95

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

ORDINANCE # 28-95

ORDINANCE FIXING THE SALARIES OF THE  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP  
OF MARLBORO 1995

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

Regarding Res. #179-95/Ord. #29-95 (Amending Various Sections of Chapter 84 - Fencing Requirements), Councilman Friedman moved that this item be tabled. This was seconded by Council President Broderick, and the Public Hearing was moved to July 13th. As there was no objection, the Clerk was asked to cast one ballot to table. Council President Broderick asked that the Zoning Officer be notified, and that her input be considered on this matter.

Regarding Res. #180-95/Ord. #31-95 (Amending Chapter 138 - Vehicles & Traffic - Dedication of Streets), Council Vice President Colarusso moved that this item be tabled. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot to table.

The following Resolution #181-95/Ordinance #32-95 (Establishing New Hunting Map) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger. Discussion followed, after which this item was defeated on a roll call vote of 1 - 4, with Council President Broderick voting yes.

The following Resolution #182-95/Ordinance #33-95 (Bond Ord. - 1995 Capital Improvements as per Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 182-95

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

ORDINANCE # 33-95

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 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 \$570,000 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 July 13, 1995 at 7:30 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all person interested will be given an opportunity to be heard concerning said Ordinance.

ORDINANCE # 33-95

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 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 \$570,000 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 \$600,000, such sum includes the sum of \$30,000 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 \$570,000 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 \$570,000 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>
Various Improvements to Town Hall Annex, including the acquisition of all work and materials necessary therefor or incidental thereto	60,000	57,000	15 years
Acquisition of furnishings community Center	90,000	85,500	5 years
Resurfacing and re-restoration of various Township roads, including	250,000	237,500	10 years

but not limited to Crine Road, Spring Valley Road Intersection, various streets in Marlboro Gardens, Clayton Lane, Old Mill Road, School Road East, Brown Road Roosevelt Avenue, Wilson Avenue, Baldwin Street including as required, excavation, milling, drainage, structures, curbing, asphalt pavement, sidewalks and also including the acquisition of all work and materials necessary therefore or incidental thereto all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved

Installation of curbs and sidewalks at various locations in the Township, including the acquisition of all work and materials necessary therefor or incidental thereto all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk and hereby approved	200,000	190,000	10 years
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TOTAL PURPOSES	\$600,000	\$570,000	
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(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 \$570,00.

(c) The estimated cost of the Improvements is \$600,000 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");

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. 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 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 on 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 9.75 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 \$570,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law,

(d) An aggregate amount not exceeding \$100,000 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 reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds 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 of the obligations authorized by this bond ordinance. The obligation 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 interest thereon without limitations of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. 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. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the Improvements is \$570,000

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 #183-95/Ordinance #34-95 (Monmouth County Improvement Leasing Program) was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 183-95

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

ORDINANCE # 34-95

AN 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 July 13, 1995 at 7:30 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 # 34-95

AN 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 Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

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 of 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.

2. The following additional matters 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 equipment to be leased to the Municipality shall not exceed \$800,000 and the interest rate on said bonds shall not exceed five and six-tenths percent (5.60%) per annum; and

(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 and the interest thereon, the maximum amount of bonds which the 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.

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 #184-95 (Supporting Constitutional Amendment Increasing Property Tax Deduction for Veterans from \$50 to \$100) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 184-95

RESOLUTION IN SUPPORT OF INCREASING THE  
VETERANS' PROPERTY TAX DEDUCTION FROM  
\$50 TO \$100 PER YEAR

WHEREAS, Assembly concurrent Resolution (ACR) No. 91 proposes a constitutional amendment increasing the property tax deduction for veterans from \$50 to \$100 per year; and

WHEREAS, the proposed legislation calls for a referendum to be placed on the next general election ballot so that the citizens of New Jersey can decide whether the veterans' exemption should be increased; and

WHEREAS, the sacrifices made by veterans while serving in the armed forces of the United States uniquely qualify them for this consideration.

NOW, THEREFORE, BE IT RESOLVED that the Township of Marlboro does hereby endorse the proposed constitutional amendment increasing the annual veterans' property tax deduction from \$50 to \$100 beginning in 1996.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #185-95 (Endorsing Marlboro Little League Day 1996), Res. #186-95 (Endorsing Change in Format of Tax Bills), Res. #187-95 (Renewals 1995/96 Alcoholic Beverage Licenses) and Res. #188-95 (Authorizing Change Orders - Rec. Center - Gymnasium - contingent upon effective date of Bond Ord. - 6/20/95).

RESOLUTION # 185-95

RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL  
ENDORING MARLBORO LITTLE LEAGUE DAY

WHEREAS, on June 8, 1995, George Karatzia made an appearance before the Marlboro Township Council in order to request the support and endorsement of the Council for Marlboro Little League Day, a fund raiser which is proposed to be held during the month of May, 1996, on the grounds of the municipal complex; and

WHEREAS, the Township Council wishes to show its support and endorsement of the proposed event.

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

1. That it hereby supports and endorses Marlboro Little League Day, and will provide whatever assistance that it can in order to bring this event to fruition.

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

- a. George Karatzia
- b. Clifford Radisch, President  
Marlboro Township Little League
- c. John Saffioti, Recreation Director
- d. Robert J. Albertson, Business Administrator
- e. Township Attorney

RESOLUTION # 186-95

RESOLUTION AUTHORIZING CHANGE IN FORMAT OF TAX BILLS

WHEREAS, the Business Administrator and Tax Collector have requested the Township Council to consider amending the current format of Marlboro Township tax bills so as to include telephone numbers for the County, Board of Education, etc., as indicated on the attached sample; and

WHEREAS, the Township Council believes that the new format would provide more specific information to the residents of the Township and, additionally, would alleviate the problems associated with the overwhelming number of telephone calls which are directed to the administration concerning information contained in tax bills.

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

1. That it hereby authorizes the Township to change the format of tax bills so that they will appear similar to the format of the attached sample.

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

- a. Robert J. Albertson, Business Administrator
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

RESOLUTION # 187-95

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, 1995 through June 30, 1996.

- |  |                 |
|--|-----------------|
| 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<br>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.	M. S. D. Enterprise, Inc.	1328 44 009 003
9.	Marlboro Bar and Liquors, Inc. (Pocket License)	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.	Grain H 2 O, Inc.	1328 33 015 009

RESOLUTION # 188-95

RESOLUTION AUTHORIZING CHANGE ORDERS TO THE  
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO  
AND G. R. ESTEPHAN CONSTRUCTION, INC. REGARDING  
THE GYMNASIUM ADDITION TO THE MARLBORO RECREATION CENTER

WHEREAS, due to unanticipated circumstances which have arisen during the construction of the gymnasium addition to the Marlboro Recreation Center, the architect on this project, Robert W. Dill, has recommended certain Change Orders to amend the contract between G.R. Estephan Construction, Inc. and the Township of Marlboro, in accordance with the attached; and

WHEREAS, the proposed Change Orders do not exceed the twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township of Marlboro has received the recommendation of the Business Administrator to proceed with the said Change Orders.

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

1. That the Township is authorized to enter into the attached Change Orders which shall be considered amendments to the original contract between the Township of Marlboro and G.R. Estephan Construction, Inc., regarding construction of the gymnasium addition to the Marlboro Recreation Center;

2. That this authorization shall not become effective until the effective date of (Bond) Ordinance No. 25-95, which is scheduled to be adopted on June 15, 1995.

3. That 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, NJ 08820
- b. G. R. Estephan Construction, Inc.  
777 Washington Road  
Parlin, NJ 08859
- c. John Saffioti, Recreation Director
- d. Robert Albertson, Business Administrator
- e. Sheila Fishkin, Chief Financial Officer
- f. Township Attorney

Regarding Res. #189-95 (Authorizing Change Order - Rec. Center), Mayor Scannapieco asked that Council proceed with this resolution even though the actual change orders had not been received from Special Counsel, so as to not delay the project further. Council agreed, and Res. #189-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 189-95

RESOLUTION AUTHORIZING CHANGE ORDERS  
TO THE CONTRACT BETWEEN THE TOWNSHIP OF  
MARLBORO AND PCM CONSTRUCTION CORP. OF NEW  
JERSEY REGARDING THE MARLBORO RECREATION CENTER

WHEREAS, due to unanticipated circumstances which have arisen during the construction of the Marlboro Recreation Center, the architect on this project, Robert W. Dill, has recommended certain change orders to amend the contract between PCM Construction Corp. of New Jersey and the Township of Marlboro, in accordance with the attached documents; and

WHEREAS, the proposed Change Orders will not cause the expense of the project to exceed the twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township of Marlboro has received the recommendation of the Business Administrator to proceed with the said Change Orders.

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

1. That the Township is authorized to enter into the attached Change Orders, which shall be considered amendments to the original contract between the Township of Marlboro and PCM Construction Corp. of New Jersey regarding construction of the Marlboro Recreation Center.

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

- a. Robert W. Dill, Architect & Planner  
One Lincoln Highway, Suite 10  
Edison, New Jersey 08820
- b. PCM Construction Corp. of New Jersey  
1358 Hooper Avenue, Suite 269  
Toms River, NJ 08753
- c. Raymond Papperman, Esq.  
Vaida & Manfreda  
Nine Main Street, P.O. Box 647  
Flemington, New Jersey 08822
- d. Robert Saffioti, Recreation Director
- e. Robert Albertson, Business Administrator
- f. Sheila Fishkin, Chief Financial Officer
- g. Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot: Res. #190-95 (Increasing Petty Cash Fund from \$200 to \$400), Res. #191-95 (Redemption of Tax Sale Certs. - Various), Res. #192-95 (Refund of Overpayments - Various), Res. #193-95 (Exempt Fireman - Kenneth Gann), Res. #194-95 (Authorization to Bid: Mason Contract) and Res. #195-95 (Award of Bid: Refuse Collection at Municipal Buildings).

RESOLUTION #190-95

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund; and

WHEREAS, it is the desire of the Township Council of the Township of Marlboro, County of Monmouth that such a fund for the Finance Department be increased from \$200 to \$400.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, hereby authorizes this

action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION # 191-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$50,004.41 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 \$50,004.41 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	
93-10 Lloyd Road	118/25	Carol L. Baron, Trustee	\$11,845.14
93-57 Tharp Lane	248/15	Carol L. Baron, Trustee	451.55
94-57 Rockwell Circle	206/23	Lamar Life Insurance Co.	80.04
94-1 & 93-1 Texas Road	103/3	Lamar Life Insurance Co.	6,809.77
92-122 Route 9	294/1	Janice & Perry Willett	<u>30,817.91</u>
TOTAL -----			\$50,004.41

RESOLUTION # 192-95

WHEREAS, the attached list in the amount of \$6,748.69 known as Schedule "A", is comprised of amounts representing duplicate payments for 1995 second quarter,

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

## SCHEDULE "A"

BLOCK	ASSESSED OWNER	AMOUNT
180        42 8 Evan Drive	Central Jersey Savings Bank 591 Cranbury Road P.O. Box 789 East Brunswick, NJ 08816-0789 Attn: Ann Mattsson, Mortgage Servicing Re: Salvatore & Pauline Spinelli	\$2,814.05
421.01     7 4 Continental Ct.	Stuart P. Schlem, Esq. The Justin Corporate Center 198 Route 9 Manalapan, NJ 07726-3073 Re: Mr. & Mrs. Michael Gatto (former owners)	3,934.64
	TOTAL -----	\$6,748.69

RESOLUTION # 193-95

WHEREAS, KENNETH GANN has served in the Robertsville Volunteer Fire Company, as a member of the Company for a period of seven years, and

WHEREAS, the Robertsville Volunteer Fire Company has recommended to the Marlboro Township Council that KENNETH GANN be designated an Exempt Fireman pursuant to N.J.S.40A: 14-56 and,

WHEREAS, it has been certified to the Township Council that KENNETH GANN 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 KENNETH GANN as a 7 year Exempt Fireman pursuant to N.J.S. 40A:14-56.

2. That the Township Council extends its congratulations and thanks to KENNETH GANN for his services as a Volunteer during the past 7 years.

RESOLUTION # 194-95

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:

## Mason Contract

RESOLUTION #195-95

BE IT RESOLVED THAT:

1. TRIPLE M SANITATION SERVICE, INC. T/A ATLANTIC SANITATION be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Refuse Collection at Municipal Buildings

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 M Sanitation Service, Inc. T/A Atlantic Sanitation  
184 Boundary Road  
P. O. Box D, Colts Neck, N. J. 07722

on their low bid of: \$12,476.76.

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 #196-95 (Invalidating Tax Sale Cert. 90-38) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 196-95

RESOLUTION INVALIDATING TAX SALE  
CERTIFICATE NO.90-38

WHEREAS, Fruh, Klementowicz and Klementowicz are the record owners of the premises known as Block 269, Lot 11 (formerly known as block 70.A, lot 16); and

WHEREAS, Mr. Klementowicz filed for bankruptcy protection on July 31, 1989, under Case No. 89-95915; and

WHEREAS, in that the Township of Marlboro did not receive notification of the bankruptcy and in that outstanding taxes were due and owing, the Township included the property for tax sale; and

WHEREAS, on October 26, 1990, the township sold Tax Sale Certificate No.90-38 to The Township of Marlboro in the amount of \$1,682.80; and

WHEREAS, the said Tax Sale Certificate was recorded in the Office of the Monmouth County Clerk on November 14, 1990, under Form No. 055914; and

WHEREAS, in light of the fact that the bankruptcy was pending, the Tax Sale Certificate should not have been sold; and

WHEREAS, in order to rectify the situation, it is necessary to invalidate the Tax Sale Certificate

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

1. That Municipal Tax Sale Certificate No. 90-38 sold to The Township of Marlboro on October 26, 1990, in the amount of \$1,682.80 is hereby invalidated and proof of said invalidation shall be recorded in the Office of the Monmouth County Clerk.

Council then discussed Item 30 (Hazardous Discharge Remediation Fund Grant). Miguel Salinas, of Schoor DePalma, made a presentation, explaining that there is an opportunity to acquire State grants from DEP regarding investigation of environmental issues. Mayor Scannapieco informed Council that there are several properties in Marlboro for which the taxes are not current and are available to be acquired for tax liens. However, these properties have environmental concerns. Mr. Salinas explained that these moneys would be used to allow the township to investigate these properties and make an assessment on where there is contamination and how much there may be. Council agreed to proceed with this matter, and the following Resolutions #197-95 (Authorizing Contract Schoor DePalma - in connection with Hazardous Site Remediation Fund) and #198-95 (Authorizing Township to Apply for Hazardous Discharge Site Remediation Fund) were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 197-95

RESOLUTION AUTHORIZING THE RETENTION OF THE PROFESSIONAL ENGINEERING SERVICES OF SCHOOR DEPALMA

WHEREAS, the Township of Marlboro intends to file applications with the New Jersey Department of Environmental Protection and/or the New Jersey Economic Development Authority for grant(s) from the Hazardous Site Remediation Fund in order to investigate approximately seven (7) contaminated sites within the Township; and

WHEREAS, in order to obtain the grants it is necessary to prepare detailed technical applications along with other administrative documentation covering the proposed scope of the work; and

WHEREAS, these services are of a technical nature and require the expertise of a professional engineer; and

WHEREAS, Miguel Salinas, C.P.S.S., of the firm of Schoor DePalma, has submitted the attached proposal, dated June 15, 1995, to assist the Township with the preparation of the necessary technical application(s) along with the other documentation necessary to apply for the grants at no cost to the Township; and

WHEREAS, should the Township receive grant funds through the Hazardous Discharge Site Remediation Fund for these sites, the Township thereafter wishes to retain the services of the firm of Schoor DePalma, in order to perform the necessary geohydrological environmental study, investigation, sampling and reporting that will be necessary in order to evaluate the existence and extent of hazardous materials on these sites; and

WHEREAS, Schoor DePalma will perform these additional services at fees which will be established as part of the grant documents, which fees will be paid directly out of the grant proceeds and shall require no cost to be borne by the taxpayers of the Township; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the awarding of a contract for "professional services" without public advertising for bids.

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

1. That the Township is hereby authorized to retain the professional services of Schoor DePalma, for the desired services as outlined above.
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)(i) of the Local Public Contracts Law of New Jersey.
3. That there will be no expense for the preliminary work performed by Schoor DePalma, in connection with the technical application process described above.
4. That, should grants be received by the Township, the total fees for additional geohydrological environmental services performed by Schoor DePalma shall be established by the grant documents and shall be paid directly out of the proceeds therefrom.

5. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Miguel Salinas, C.P.S.S.  
Schoor DePalma  
Justin Corporate Center  
200 State Highway 9, P.O. Box 1149  
Manalapan, NJ 07726-1149
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Township Engineer
- e. Township Attorney

RESOLUTION # 198-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO MAKE APPLICATION TO THE NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND/OR THE NEW JERSEY  
ECONOMIC DEVELOPMENT AUTHORITY FOR GRANT  
FUNDS AVAILABLE THROUGH THE HAZARDOUS  
DISCHARGE SITE REMEDIATION FUND

WHEREAS, the Hazardous Discharge Site Remediation Fund has been established in order to provide grants to New Jersey municipalities to conduct preliminary assessments, site investigations and remediation of contaminated properties on which the municipality owns or holds a tax sale certificate; and

WHEREAS, there are approximately seven (7) parcels of land within the Township of Marlboro on which the Township holds tax sale certificates which may contain hazardous substances; and

WHEREAS, the fund offers a manner in which the Township can investigate these potentially hazardous properties and obtain substantial background information without spending taxpayer dollars; and

WHEREAS, these investigations and prospective remedial activities will assist in cleaning up the properties so that the Township may be able to restore them to the tax rolls.

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 is authorized to attest the necessary documents in order to file applications with the New Jersey Department of Environmental Protection and/or the New Jersey Economic Development Authority for grants from the Hazardous Discharge Site Remediation Fund.
2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Miguel Salinas, C.P.S.S.  
Schoor DePalma  
Justin Corporate Center  
200 State Highway 9, P.O. Box 1149  
Manalapan, NJ 07726-1149
- b. Robert J. Albertson, Business Administrator
- c. David Birnbaum, P.E., Township Engineer
- d. Township Attorney

Public Session - Gail Becker - Board of Education - asked if a date has been set for the opening of the Recreation Building. Mayor Scannapieco responded that there have been some delays because of the addition of the gym and other changes, and no definite date has yet been set. Deputy Mayor Charles Lein - complimented Dr. McGuire and everyone involved in Project Prom on the excellence of the program.

At 9:30 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of June, 1995 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 9:45 PM, Councilman Friedman moved that the Closed Session be opened. This was seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #199-95 (Authorizing Special Counsel Arthur Goldzweig to Proceed with Holmdel Litigation) 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 # 199-95

WHEREAS, there is currently pending a matter known as Township of Marlboro vs. the Planning Board of the Township of Holmdel et al; and

WHEREAS, said matter has been remanded by the Appellate Division to the trial court level; and

WHEREAS, it is in the best interests of the Township of Marlboro to engage the services of Special Counsel for the purpose of representing the Township of Marlboro upon the remand.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Arthur Goldzweig, Esq., is hereby appointed Special Counsel for the purposes of representing the position of the Township of Marlboro in the matter known as the Township of Marlboro vs. Planning Board of Holmdel et al.

BE IT FURTHER RESOLVED that the expense of said services shall not exceed \$5,000 without further resolution of the Township Council and that the Special Counsel shall submit reports on the progress of said matter directly to the office of the Township Attorney.

At 9:48 PM, Council Vice President Colarusso 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: July 13, 1995

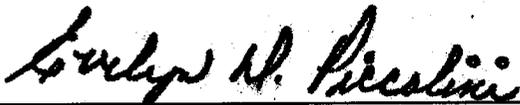
OFFERED BY: Friedman

AYES: 3

SECONDED BY: Metzger

NAYS: 0

ABSENT: Broderick & Marcus

  
 \_\_\_\_\_  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

\_\_\_\_\_  
 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

July 13, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on July 13, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Colarusso 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, and Councilman Metzger. Councilwoman Marcus arrived at 7:35 PM. Council President Broderick was absent.

Also present were: Richard Shaklee, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini and Deputy Clerk Alida DeGaeta.

There was no Administrative Report or Council Speaks Out.

Citizen's Voice - There was no one who wished to speak.

Councilman Friedman moved that the minutes of June 8 and June 15 be approved. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Broderick & Marcus.

Council Vice President Colarusso opened the Public Hearing on Ord. #30-95 (Amending Section 84-29 - Zoning Map). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #200-95/Ordinance #30-95 was introduced by reference, offered by Councilman Friedman and seconded by Councilman Metzger. Discussion followed, during which Councilman Friedman commended Mr. Weitz for his outstanding cooperation with Mayor and Council. Councilman Friedman also stated that the conveyance of a parcel of land to the Board of Education does not constitute an endorsement by Council that a new school is needed. As there was no objection, the Clerk was asked to cast one ballot on Res. #200-95/Ord. #30-95 (Absent: Broderick).

RESOLUTION # 200-95

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

ORDINANCE # 30-95

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWNSHIP OF MARLBORO, WHICH IS ESTABLISHED AT SECTION 84-29 (DISTRICTS; MAP AND BOUNDARIES; SCHEDULE OF 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.

Council Vice President Colarusso opened the Public Hearing on Ord. #33-95 (Bond Ordinance - 1995 Capital Improvements - as per Municipal Budget). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #201-95/ Ord. #33-95 was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 201-95

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

ORDINANCE # 33-95

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 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 \$570,000 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 # 33-95

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$600,000 FOR VARIOUS CAPITAL IMPROVEMENTS AND PURPOSES FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZ

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 \$600,000, such sum includes the sum of \$30,000 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 \$570,000 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 \$570,000 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>
Various Improvements to Town Hall Annex, including the acquisition of all work and materials necessary therefor or incidental thereto	60,000	57,000	15 years
Acquisition of furnishings community Center	90,000	85,500	5 years

Resurfacing and re- storatation of various Township roads, including but not limited to Crine Road, Spring Valley Road Intersection, various streets in Marlboro Gardens, Clayton Lane, Old Mill Road, School Road East, Brown Road Roosevelt Avenue, Wilson Avenue, Baldwin Street including as required, excavation, milling, drainage, structures, curbing, asphalt pavement, sidewalks and also including the acquisition of all work and materials necessary therefore or incidental thereto all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved	250,000	237,500	10 years
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Installation of curbs and sidewalks at various locations in the Township, including the acquisition of all work and materials necessary therefor or incidental thereto all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk and hereby approved	200,000	190,000	10 years
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TOTAL PURPOSES	\$600,000	\$570,000
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(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 \$570,00.

(c) The estimated cost of the Improvements is \$600,000 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"); 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. 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 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 on 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 9.75 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 \$570,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law,

(d) An aggregate amount not exceeding \$100,000 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 reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds 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 of the obligations authorized by this bond ordinance. The obligation 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 interest thereon without limitations of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. 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. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the Improvements is \$570,000.

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.

Council Vice President Colarusso opened the Public Hearing on Ord. #34-95 (Monmouth County Improvement Leasing Program). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #202-95/Ord. #34-95 was introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 202-95

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

ORDINANCE # 34-95

AN 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 # 34-95

AN 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 Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

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 of 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.

2. The following additional matters 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 equipment to be leased to the Municipality shall not exceed \$800,000 and the interest rate on said bonds shall not exceed five and six-tenths percent (5.60%) per annum; and

(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 and the interest thereon, the maximum amount of bonds which the 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.

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.

Schedule A

<u>Equipment to be Leased/ Purchased</u>	<u>Acquisition Cost</u>	<u>Useful Life</u>
Office Equipment		
Safe	\$1,000	10 Yrs.
Fax Machine	\$1,500	5 Yrs.
Duplicator	\$4,000	5 Yrs.
Office Furnishings	\$20,000	10 Yrs.
Computer Net Installation	\$60,000	7 Yrs.
Police Equipment		
Radar Units	\$4,000	7 Yrs.
Weapons Safe	\$2,600	10 Yrs.
Light Source	\$6,500	5 Yrs.
LETN Training Lab	\$3,000	5 Yrs.
Fire Arms Clearing System	\$3,325	10 Yrs.
Vehicles		
Police Cars Equipped	\$120,000	5 Yrs.
4WD Pick-up	\$20,000	5 Yrs.
4WD Pick-up w/ Plow	\$56,000	5 Yrs.
5 Yd. Dump Truck	\$90,000	5 Yrs.
1 1/2 Yd. Dump Truck w/ Plow	\$52,000	5 Yrs.
Ambulance	\$100,000	5 Yrs.

Public Works Equipment		
Back Hoe	\$65,000	10 Yrs.
Loader Bucket	\$15,000	10 Yrs.
Mowers & Tractors	\$43,000	7 Yrs.
Gas Pump Card Reading System	\$12,000	10 Yrs.
Comm. Radio Portables	\$5,500	10 Yrs.
Soccer Goals	\$4,500	10 Yrs.
Steam Cleaner	<u>\$5,000</u>	10 Yrs.
<b>Total</b>	<b>\$693,925</b>	

The following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick): Res. #204-95 (Supporting Monmouth County Rail Link - Lakewood to Monmouth Junction), Res. #205-95 (Authorizing Agreement with New Jersey Transit - Bus Shelter - in front of Texas Road Park & Ride on Route 9 North), Res. #206-95 (Authorizing Application to NJDEP for Permit - Marlboro Psychiatric Hospital), Res. #207-95 (Special Affair Permit - Robertsville Fire Co.), Res. #208-95 (Advising and Consenting to Appointment of Matt Price 911 Municipal Coordinator) and Res. #209-95 (Wyncrest Road Force Account Agreement - Repair of Wyncrest Road between Route 520 and Cypress Lane).

#### RESOLUTION # 204-95

WHEREAS, the purpose of New Jersey Transit's Major Investment Study was to study transportation improvements in Monmouth, Ocean and Middlesex counties with a focus on studying three rail alternatives in western Monmouth; and

WHEREAS during the New Jersey Transit's Major Investment Study process, six additional transit alternatives including a rail alternative from Lakewood to Red Bank were introduced and studied; and

WHEREAS, the majority of Monmouth County municipalities which have shown an over 25% increase in growth from 1989 to 1990 and continue to grow at a rapid rate are located in western Monmouth; and

WHEREAS, the western Monmouth Route 9 corridor communities have a higher proportion of workers (15-20%) than the total county work force (9.2%) who commute to the New York area; and

WHEREAS, there is no existing passenger rail alternative in western Monmouth to alleviate the severe congestion on State Highway Route 9 and to support the mandated Clean Air Act initiatives; and

WHEREAS, a passenger rail alternative is needed in western Monmouth to provide faster and more efficient service to this

major growth area where a large proportion of commuters to the New York area are concentrated.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that Marlboro Township supports passenger rail service for western Monmouth and supports the proposed Lakewood to Monmouth Junction passenger line to provide rail service to western Monmouth based on the latest New Jersey Transit's Major Investment Study findings and community sentiment.

BE IT FURTHER RESOLVED that the Clerk forward certified true copies of this resolution to United States Senators Bill Bradley and Frank Lautenberg, Congressmen Dick Zimmer and Chris Smith, State Senator John O. Bennett, Assemblyman Michael Arnone, Assemblywoman Clare Farragher, the Monmouth County Board of Chosen Freeholders, the Ocean County Board of Chosen Freeholders, the Middlesex County Board of Chosen Freeholders, the Monmouth County Planning Board, New Jersey Transit, New Jersey Transportation Planning Authority and the Monmouth County Transportation Coordinating Advisory Committee.

RESOLUTION # 205-95

RESOLUTION AUTHORIZING THE TOWNSHIP TO APPLY  
FOR AND ENTER INTO AN AGREEMENT CONCERNING  
A NEW BUS SHELTER

WHEREAS, the Federal Transportation Administration has provided funds to New Jersey Transit for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the Township Council of the Township of Marlboro may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Township of Marlboro, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby authorizes the Township to make application to the New Jersey Transit Corporation for the purchase and installation of one bus shelter as set forth in the attached Agreement and Exhibit A made a part hereof.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute and the Township Clerk is authorized to attest an agreement with New Jersey Transit to arrange for the purchase and installation of said shelters.

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

- a. David Birnbaum, P.E., Township Engineer
- b. New Jersey Transit Corporation  
Attn: Daniel O'Gorman, Field Representative  
One Penn Plaza East  
Newark, NJ 07105-2246

RESOLUTION # 206-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO MAKE  
APPLICATION TO THE NJDEP FOR PERMIT - MARLBORO  
PSYCHIATRIC HOSPITAL

WHEREAS, a permit was received by the Marlboro State Psychiatric Hospital from the NJDEP to operate Phragmites Reed Beds on January 14, 1986, in accordance with applicable regulations; and

WHEREAS, in order to renew this permit, the consent of the governing body of the Township of Marlboro must be submitted to the NJDEP; and

WHEREAS, the Township Engineer has reviewed the applicable documents and is in support of this submission.

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

1. That the Township is authorized to submit an application to the DEP for approval to renew the Phragmites Reed Bed Permit that was previously issued.

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

- a. David Birnbaum, P.E., Township Engineer
- b. Gregory Roberts, Chief Executive Officer  
Marlboro Psychiatric Hospital
- c. State of New Jersey Department of Environmental  
Protection Division of Water Quality  
401 East State Street, CN-029  
Trenton, NJ 08625-0029
- d. Township Attorney

RESOLUTION # 207-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a "Special Permit for a Social Affair" (SPA: 01-95) be and it is hereby granted to the Robertsville

Volunteer Fire Company #1. This permit is for a picnic sponsored by the Fire Company for the volunteer firemen of the Township of Marlboro. This event will take place on Saturday, August 19, 1995 between the hours of 1:00 PM and 9:00 PM.

BE IT FURTHER RESOLVED that said permit is to be used on the premises of the Robertsville Volunteer Fire Company, Rt. 520 East, Morganville, New Jersey.

BE IT FURTHER RESOLVED, that the fee of \$25.00 to the Township of Marlboro is hereby waived.

RESOLUTION # 208-95

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT  
OF MATT PRICE AS THE MUNICIPAL 911 COORDINATOR  
OF THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Matthew Scannapieco has previously advised the Township Council that he is appointing Matt Price as the 911 Coordinator of the Township of Marlboro subject to the advice and consent of the Township Council.

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

It hereby advises and consents to the appointment of Matt Price as the 911 Coordinator of the Township of Marlboro.

RESOLUTION # 209-95

RESOLUTION AUTHORIZING THE TOWNSHIP ROAD  
DEPARTMENT TO PERFORM REPAIR AND REPAVING  
WORK TO WYNCREST ROAD

WHEREAS, the Township of Marlboro has received a Notice of Award of State Aid funding in the amount of \$43,035.00 for the repair/repaving of Wyncrest Road between Route 520 and Cypress Lane (Buttonwood Development) in January of 1995; and

WHEREAS, the Township wishes to authorize the Township Road Department to perform the repair and repaving work instead of retaining an outside contractor to perform the work through the bidding process.

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

1. That the Township authorizes the use of its Township Road Department Forces (Force Account) for the project as described above.

2. That materials needed for the project, such as FABC, I-5 or concrete pipe, will be provided by the vendors listed on the attached "materials questionnaire".

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

- a. Township Engineers
- b. Robert Albertson, Business Administrator
- c. Township Attorney

The following Resolution #210-95 (Dutch Lane Estates - Cash Bond Release) was introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 210-95

RESOLUTION AUTHORIZING THE RELEASE OF  
CASH BONDS - DUTCH LANE ESTATES

WHEREAS, the Township of Marlboro has received a request for the release of Township held Cash Bonds posted by Dutch Lane Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated June 27, 1995, which explains the reasons for the release; 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 Cash Bond posted by Dutch Lane Estates, as described in the attached report of the Township Engineers, in an amount totaling \$7,400.00, shall be released, except \$250.00 to replace certain evergreen trees; however, inspection fees charged by the Township Engineer in an amount totaling \$3,000.00 remain unpaid and, therefore, \$7,400.00 will be released LESS the unpaid inspection fees, owed to the Township, and the \$250.00 to be held for the evergreens, leaving a total of \$4,150.00 to be returned to Dutch Lane Estates.

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. Dutch Lane Estates
- b. Township Engineer
- c. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick): Res. #211-95 (Amending Resolution #81-95 - Timber Hill Maintenance Bond), Res. #212-95 (Authorizing Contract Tax Appeals - Buchalski, Reynolds & Brodowski), Res. #213-95 (Refund of Duplicate Payments - Various) and Res. #214-95 (Redemption of Tax Sale Certs - Various).

RESOLUTION # 211-95

RESOLUTION AMENDING RESOLUTION NO.81-95  
(TIMBER HILL MAINTENANCE BOND)

WHEREAS, on March 23, 1995, the Township Council of the Township of Marlboro passed Resolution No. 81-95, authorizing the release of a Cash Maintenance Bond posted by Sanclaire Enterprises for the Timber Hill site; and

WHEREAS, that Resolution included a condition that the release was subject to the consent of the current owners of the site, Calton Homes; and

WHEREAS, subsequent to the passage of that Resolution, the Township was contacted by the Attorney for Sanclaire Enterprises, requesting that this condition from the Township Engineers be removed; and

WHEREAS, the Township Engineers have consented to a removal of said condition.

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

1. That Resolution No. 81-95 is hereby amended to the effect that the release of the Cash Maintenance Bond posted by Sanclaire Enterprises for the Timber Hill site be made without the necessity of obtaining the consent of the current owners of the site, Calton Homes.

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

- a. Sanclaire Enterprises  
c/o Michael Weitz  
5 Adams Street  
Morganville, NJ 07751

## b. Township Engineer

RESOLUTION # 212-95RESOLUTION AUTHORIZING THE PROFESSIONAL APPRAISAL  
SERVICES OF BUCHALSKI, REYNOLDS & BRODOWSKI

WHEREAS, there exists a need for the services of a professional appraiser in order to provide valuation and consulting services to assist the Township of Marlboro in the defense of certain litigation matters which are scheduled for trial before the Tax Court of New Jersey on September 19, 1995; and

WHEREAS, these cases concern a challenge of the tax assessments of several commercial and/or vacant properties located within the Township; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Tax Assessor and Township Attorney have recommended that the Township obtain the necessary appraisal services from the firm of Buchalski, Reynolds & Brodowski.

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 Buchalski, Reynolds & Brodowski in connection with the above litigation matters, which are more specifically described in the Agreement.

2. That, if necessary, Buchalski, Reynolds & Brodowski are hereby authorized to perform the necessary appraisal work, including the preparation of reports for submission to the Tax Court of New Jersey, for a maximum total fee of \$18,375.00, exclusive of settlement meetings and court testimony.

3. That the appraiser(s) are hereby further authorized to provide court testimony and participate in settlement meetings at the additional hourly rate(s) specified in the attached Agreement, with a cap as to expenditure in this regard not to exceed \$2,000.00 without further authorization from the Township Council.

4. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

5. That the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution.

6. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Sheila Fishkin, Chief Financial Officer
- b. Michael R. Buchalski, MAI, ASA, CTA  
400 West Main Street  
Freehold, New Jersey 07728
- c. Township Tax Assessor
- d. Township Attorney

RESOLUTION # 213-95

WHEREAS, the attached list in the amount of \$1,555.06 known as Schedule "A", is comprised of amounts representing duplicate payments for 1995 second quarter,

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

SCHEDULE "A"

BLOCK	ASSESSED OWNER	AMOUNT
119.06 15 506 Lanzaro Drive	Dovenmuehle Mortgage, Inc. 1501 Woodfield Road Schaumburg, IL 60173-4982 Attn: Nancy Light, Tax Department Re: Paul Kahn & Haren Renee	399.46
299 32 473 Union Hill Rd	George M. & Alane Menendez 473 Union Hill Road Morganville, NJ 07751	1,155.60

TOTAL ----- \$1,555.06

RESOLUTION # 214-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$27,114.91 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 \$27,114.91 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
93-52	180/65	George Schafer, Trustee	544.24
	Westbrook Drive		
93-55	212/4	George Schafer, Trustee	395.68
	Lawton Road		
94-8	120/3	Funds of Florida	7,233.51
	Greenwood Road	Custodian for D.H. Associates	
94-14	146/25	American Bankers Life Assurance	17,164.79
	Falson Lane	Co. of Florida	
93-6 & 94-4	108/7	Thomas L. or Frances G. Brennan	600.78
	Texas Road		
93-8 & 94-5	108/15	Thomas L. or Frances G. Brennan	607.14
	Wicker Place		
94-66	370/9	Lawrence Kirsner	568.77
	Windfall Lane		
TOTAL -----			\$27,114.91

Public Session - Nick Bizzarro - 24 Samantha Drive - brought to Council's attention that he is having a problem with motorized bicycles and four-wheelers near his home. He stated that there is a path about 20 feet from his home which is being utilized by these vehicles, causing an extremely unsafe situation for the children of the neighborhood who are playing

there. He asked if Council could consider some type of legislation to prohibit these vehicles at that location. Council Vice President Colarusso asked Business Administrator Bob Albertson to meet with Mr. Bizzarro to get all necessary information after the meeting. Mr. Albertson will advise Council as to the administration's findings on what can be done to alleviate this situation.

Gail Becker - Board of Education representative - stated that she had been informed by Mr. Weitz's engineer that an additional parcel or parcels would have to be acquired in order to construct a school at that location. Councilwoman Marcus responded that the Mayor has been keeping informed on this issue. Council Vice President Colarusso will discuss this with him and inform Mrs. Becker of the outcome. Mrs. Becker suggested another meeting with the Mayor in the near future.

At 8:00 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.  
Absent: Broderick.

MINUTES APPROVED: August 10, 1995

OFFERED BY: Metzger

AYES: 4

SECONDED BY: Friedman

NAYS: 0

ABSENT: Broderick

*Evelyn D. Piccolini*

\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

\_\_\_\_\_  
RICHARD C. COLARUSSO  
COUNCIL VICE PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

August 10, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on August 10, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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

Administrative Report - Mayor Scannapieco spoke about the Sister Cities Program with Johana, Japan, and he asked Municipal Clerk Evelyn Piccolini, who officially represented Marlboro, to report on her trip. Mrs. Piccolini reported that the group was met in Osaka by a delegation from Johana, and from there, they toured Osaka, Hiroshima, the Japanese Alps, several Buddhist temples and various other places which were very enlightening. She spoke about their stay in Johana, where they were treated like royalty, by the officials and the people of Johana. Mrs. Piccolini remarked that many beautiful memories were made on this trip. Mayor Scannapieco then stated that when a delegation is sent to Japan, it is funded through contributions to the Marlboro Improvement and Cultural Fund, in the hope that this program will help make the world a better place.

Council Speaks Out - Councilman Friedman congratulated Councilman Metzger on becoming a grandfather for the first time, with the birth of his grandson. Council Vice President Colarusso thanked Larry Goldberg, liaison to the Planning Board for his continued

outstanding reports, which are greatly appreciated. Council President Broderick addressed an editorial by the News Transcript in which they took issue with the Council's position on the railroad. He stated that this Council and many previous Councils have opposed the reactivation of the railroad through Marlboro, which is also the position of the people of Marlboro Township. It is Council's responsibility to represent the position of the residents who elected them, and he will address the paper accordingly. Mayor Scannapieco gave a brief history on the railroad issue, and also commented that this governing body acted appropriately by representing the sentiments of their constituents. Council Vice President Colarusso also commented that the railroad would not have served the residents of Marlboro, as there would not have been a station in the township. Council President Broderick stated that the State DOT has advised the township that their administration has been successful in attaining a grant in the amount of \$160,000 for improvements to Ryan Road, and he thanked the administration for all their hard work in securing this grant for this much-needed improvement.

The following Resolution #215-95 (Commending Fran Szczesny and Mario Guidice for Railroad Issue) was read by Mayor Scannapieco, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot. Mayor Scannapieco stated that Mr. Guidice could not be present this evening, and will have his resolution and plaque sent to him. He thanked Mrs. Szczesny and Mr. Guidice for the many meetings they attended of the Monmouth/Ocean/Middlesex Citizen's Advisory Committee, and for their outstanding representation of the township's interests. Mayor Scannapieco presented a framed resolution to Mrs. Szczesny, as well as a plaque.

RESOLUTION # 215-95

RESOLUTION COMMENDING FRAN SZCZESNY AND  
MARIO GUIDICE FOR THEIR EFFORTS IN OPPOSING  
THE LAKEWOOD TO MATAWAN RAILROAD LINE

WHEREAS, the Mayor and Township Council are aware that Fran Szczesny and Mario Giudice were very active in initiating and leading a campaign in opposition to the Lakewood to Matawan railroad line, which was proposed by New Jersey Transit and would have run directly through the Township of Marlboro; and

WHEREAS, in the past the Mayor and Township Council have repeatedly taken a strong stance against construction of this rail line because we have felt that it would negatively affect the

health, safety and welfare of the residents of our community; and

WHEREAS, through the efforts of Fran Szczesny and Mario Giudice, as well as all of the opponents of this proposed rail line who made their feelings known, the Monmouth County Board of Chosen Freeholders has opted to support a different rail line which will not affect Marlboro Township, and

WHEREAS, the Mayor and Township Council wish to take this opportunity to commend Fran Szczesny and Mario Giudice for their involvement in protecting the health, safety and welfare of the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend Fran Szczesny and Mario Giudice for heir outstanding efforts in opposing the Lakewood to Matawan railroad line.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Fran Szczesny and Mario Giudice, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #216-95 (Commending Pamela Grossman for Winning First Place in Writing Contest for her Poetry) was read by Councilman Metzger, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Councilman Metzger presented Pamela with a framed resolution, and Councilwoman Marcus presented Pamela with a trophy.

RESOLUTION # 216-95

RESOLUTION COMMENDING PAMELA GROSSMAN  
FOR WINNING FIRST PLACE IN A NEW JERSEY  
WRITING CONTEST FOR HER POETRY

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that one of our young community resident Pamela Grossman, has won first place for her poetry portfolio in the fourteenth annual writing contest sponsored by the New Jersey Council of Teachers of English; and

WHEREAS, the contest drew nearly 2,000 entries of various type from New Jersey students ranging in age from the kindergarten level through the twelfth grade; and

WHEREAS, Pamela's five page submission of poetry took top honors in the competition; and

WHEREAS, the Mayor and Township Council wish to take this special opportunity to commend Pamela Grossman, who recently graduated from the Marlboro Middle School, for her outstanding talent and we wish to encourage other young residents of the community to follow her lead in expressing themselves in a constructive way.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend Pamela Grossman for winning first place for her poetry submission in a New Jersey statewide writing contest.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Pamela Grossman and a copy shall be posted in a public place so that all employees and Visitors to Township Hall may appreciate this public commendation.

Mayor Scannapieco said a few words on the expansion of the police department and congratulated the new recruits. The Mayor and Captain Lang then administered the oath of office to the new Police Officers: Erik Nolte, Joseph Meglio, Kenneth Marrone, and David Glenny.

Council then took a ten-minute recess.

The following Resolution #223-95 (Affirming Appointment to Library Board - Francine Schonfeld & Walter Whalen) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Mayor Scannapieco thanked the Council for supporting these appointments, and commended Bill Mechmann, Francine Schonfeld and Walter Whalen for the outstanding job they do on the Library Board.

RESOLUTION # 223-95

WHEREAS, N.J.S.A. 40:54-9 governs the appointment of members of the Board of Trustees of municipal public libraries; and

WHEREAS, Francine Schonfeld and Walter Whalen have served as members of the Board of Trustees of the Marlboro Free Public Library; and

WHEREAS, the terms of Francine Schonfeld and Walter Whalen as Members of the Board of Trustees have expired; and

WHEREAS, William A. Mechmann, Chair, Library Trustees, has recommended to Mayor Matthew Scannapieco that he reappoint Francine Schonfeld and Walter Whalen for another five (5) year term.

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

1. That Francine Schonfeld and Walter Whalen be reappointed to serve as Members of the Board of Trustees of the Marlboro Free Public Library for another five (5) year term.

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

- a. Francine Schonfeld  
19 Bishop Court  
Marlboro, N. J. 07746
- b. Walter Whalen  
2 Newport Road  
Marlboro, N. J. 07746
- c. William A. Mechmann, Chair, Library Trustees  
Marlboro Free Public Library  
1 Library Court  
Marlboro, N. J. 07746
- d. Township Attorney

The following Resolution #222-95 (Authorizing Change Order - Library) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 222-95

RESOLUTION AUTHORIZING A CHANGE ORDER  
TO THE CONTRACT BETWEEN THE TOWNSHIP OF  
MARLBORO AND PATTERSON MECHANICAL, INC.  
REGARDING THE ADDITION AND RENOVATIONS TO  
THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, due to unanticipated circumstances which have arisen during the construction of the addition and renovations of the

Marlboro Free Public Library, the Library Trustees have recommended a Change Order to amend the contract between Patterson Mechanical, Inc. and the Township of Marlboro, in accordance with the memorandum submitted by William A. Mechmann, Chair, Library Trustees, dated July 14, 1995, which is attached hereto and made a part hereof; and

WHEREAS, the proposed Change Order shall increase the amount of the original contract, which was awarded on May 27, 1993, from \$83,500.00 to \$94,546.00; and

WHEREAS, the proposed Change Order does not exceed twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township has received the recommendation of the Business Administrator to proceed with the said Change Order.

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

1. That the Township is authorized to enter into a Change Order to amend the contract with Patterson Mechanical, Inc., the terms of which shall be in accordance with the attached memorandum from William A. Mechmann, dated July 14, 1995 regarding construction of the addition and renovations to the Marlboro Free Public Library.

2. That the Chief Financial Officer shall certify that there are sufficient funds in Bond Ordinance 2992 to cover the amount of this Change Order.

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

- a. William A. Mechman, Chair Library Trustees  
Marlboro Free Public Library, One Library Court  
Marlboro, New Jersey 07746-1102
- b. Patterson Mechanical, Inc.
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

The following Resolution #221-95 (Adopting Swim Club Rules and Regulations) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Arthur Lawrence, Executive Director, and Mark Norych, Chairman, were present to address Council's questions on the code of conduct. Councilwoman Marcus commended Mr. Lawrence and Mr. Norych on the outstanding way the Swim Facility is run.

RESOLUTION # 221-95

RESOLUTION APPROVING THE 1995  
MARLBORO SWIM CLUB RULES

WHEREAS, pursuant to Section 132-8 of the Marlboro Township Code, the Marlboro Swim Club Division has delivered the proposed 1995 Swim Club Rules and Regulations to the Township Council for approval; and

WHEREAS, these rules and regulations were established by the Marlboro Swim Club Division as part of a new code of conduct to be known as the "General Rules of Conduct" on July 25, 1995; and

WHEREAS, the Township Council, having reviewed the new rules and regulations, a copy of which are attached hereto and made a part hereof, now wishes to provide its approval of same.

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

1. That the Township Council approves of the new 1995 Marlboro Swim Club Rules and Regulations, to be known as the "General Rules of Conduct."

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

- a. Arthur Lawrence
- b. Mark Norych, Esq.
- c. Chief Robert Stover
- d. Township Attorney

Citizen's Voice - There was no one who wished to speak.

Councilman Metzger moved that the minutes of July 13, 1995 be approved. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #217-95 (Dedicated Account - Recreation) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 217-95

RESOLUTION OF THE TOWNSHIP OF MARLBORO, NEW JERSEY,  
REQUESTING PERMISSION OF THE DIRECTOR OF THE DIVISION  
OF LOCAL GOVERNMENT SERVICES FOR A DEDICATION  
BY RIDER FOR THE RECREATION COMMISSION

WHEREAS, the Township of Marlboro, in the County of Monmouth, State of New Jersey, has adopted an Ordinance creating the Township of Marlboro Recreation Commission pursuant to N.J.S.A. 40:12-1 et seq.; and

WHEREAS, the Ordinance creating the said Recreation Commission is known as Ordinance No. 10-79, having been adopted by the Township Council of the Township of Marlboro on April 26, 1979; and

WHEREAS, a copy of Ordinance No. 10-79 is attached hereto and made a part hereof; and \*SEE ATTACHED

WHEREAS, the Recreation Commission is empowered to charge and collect reasonable fees as more particularly specified in the said Ordinance; and

WHEREAS, the revenue from these fees is not subject to reasonable and accurate estimation in advance; and

WHEREAS, the allowance of a Dedication by Rider for the collection and expenditure of said funds, to be done through a separate trust account, would provide for a more orderly and less cumbersome method of accounting for said funds.

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

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

1. That permission is hereby requested from the Director of the Division of Local Government Services for the allowance of a Dedication by Rider pursuant to N.J.S.A. 40A:4-39, for the collection and expenditure of funds by the Township of Marlboro Recreation Commission.

2. That, if approved by the Director of the Division of Local Government Services, a separate trust account shall be established for the Recreation Commission into which such revenues shall be collected and from which appropriations shall be disbursed.

3. That two certified copies of this Resolution shall be forwarded to the Director of the Division of Local Government Services for approval.

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

- a. Marlboro Township Recreation Commission
- b. Township Auditor
- c. Township Chief Financial Officer
- d. Township Business Administrator
- e. Township Attorney

The following Resolutions/Ordinances were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #203-95/Ord. #35-95 (Amending Chapter 84 - Section 127C), Res. #218-95/Ord. #36-95 (Title 30: Pointe de Jardin), and Res. #219-95/Ord. #37-95 (Ordinance revising Ord. #19-92 - Exclusive Plaza).

RESOLUTION # 203-95

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

ORDINANCE # 35-95

AN ORDINANCE AMENDING CHAPTER 84,  
SECTION 127C OF THE CODE OF 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 September 28, 1995 at 7:30 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 # 35-95

AN ORDINANCE AMENDING CHAPTER 84,  
SECTION 127C OF THE CODE OF THE TOWNSHIP OF MARLBORO

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

1. Chapter 84, Section 127C is amended to read as follows:
  - C. No junked motor vehicle or part thereof or not more than four (4) motor vehicles of normal operation upon the highways shall be permitted on the premises of any service station or public garage not within a closed and roofed building; except, however, that a number not exceeding six (6) motor vehicles may be located upon any service station or public garage premises outside a closed or roofed building, for a period of time not to exceed seven (7) days, provided that said motor vehicles are awaiting repair by the owners thereof.
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 # 218-95

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

ORDINANCE # 36-95

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE  
ONE OF TITLE 39 OF REVISED STATUTES OF NEW JERSEY APPLICABLE  
TO POINTE DE JARDIN 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 Sept. 28, 1995 at 7:30 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 # 36-95

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE  
ONE OF TITLE 39 OF REVISED STATUTES OF NEW JERSEY APPLICABLE  
TO POINTE DE JARDIN AND REGULATING THE USE OF  
SAID ROADWAYS STREETS, DRIVEWAYS AND PARKING  
LOTS BY MOTOR VEHICLES

NOW, THEREFORE BE IT ORDAINED that POINTE DE JARDIN, ASSOC. 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 Pointe De Jardin located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable:

**SECTION I**

I. All vehicles must park only in designated areas and between the lines provided.

II. HANDICAPPED PARKING

All stalls shall be 12" wide as shown on the attached site plan 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.

III. ASSIGNED PARKING

1. The parking areas have assigned parking consisting of one (1) parking space per address.
2. The assigned parking spaces are assigned by the association as per the attached list.

3. No vehicle may park in an assigned space unless it is registered to or used by the occupant of the dwelling that space is assigned to.

#### IV. RESTRICTED PARKING

1. No person shall stop or stand a vehicle anytime upon any of the following described roadway or parts of roadways:

NAME OF STREET	SIDE	LOCATION
Boulevard De Jardin	Both	From Texas Road to Roseberry Ct.

2. No person shall stop or stand or park any vehicle anytime upon any part of the following roadways except in a marked parking stall only:

#### NAME OF STREETS

Windflower Court  
 Snowdrop Court  
 Indigo Court  
 Mariposa Court  
 Banyon Court  
 Crimson Court  
 Tivoli Court  
 Lily Court  
 Tarragon Court  
 Roseberry Court  
 Garden Path

#### V. TOW AWAY ZONE

Any vehicle parked or standing so as to obstruct or impede a normal flow of traffic, block entrances or exit way parked or standing in an assigned space belonging to someone else, or parked or standing in other than a marked parking stall, or presenting in any way a safety or traffic hazard may be removed by towing the vehicles at the owner's or operator's expense.

#### VI. WEIGHT LIMITATIONS

Truck over four (4) tons gross weight are hereby excluded from any street or parking area except for pick-up and delivery of materials in the area.

**VII. THROUGH STREETS**

The following streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street:

**BOULEVARD DE JARDIN:** From a point 15 feet south of Texas Road to a point 15 feet north of Roseberry Court.

**MARIPOSA COURT:** From a point 15 feet east of Blvd. De Jardin to a point 15 feet east of Banyan Court.

**VIII. STOP INTERSECTIONS**

The following intersections are hereby designated as stop intersections:

<u>INTERSECTION</u>	<u>STOP ON</u>
Texas Road and Boulevard DeJardin	Boulevard DeJardin
Blvd. DeJardin and Windflower Ct.	Windflower Court
Blvd. DeJardin and Snowdrop Ct.	Snowdrop Court
Blvd. DeJardin and Indigo Ct. northern end	Indigo Ct. N. end
Blvd. DeJardin and Indigo Ct. southern end	Indigo Ct. S. end
Blvd. DeJardin and Mariposa Court	Mariposa Court
Mariposa Court and Banyan Court	Banyan Court
Blvd. DeJardin and Crimson Court northern end	Crimson Ct. N. end
Blvd. DeJardin and Crimson Court southern end	Crimson Ct. S. end
Blvd. DeJardin and Tivoli Court	Tivoli Court
Blvd. DeJardin and Garden Path eastern end	Garden Path E. end
Blvd. DeJardin and Garden Path western end	Garden Path W. end
Blvd. DeJardin and Lily Court	Lily Court
Blvd. DeJardin and Tarragon Court	Tarragon Court
Blvd. DeJardin and Roseberry Court western end	Roseberry Court western end

**IX. SPEED LIMITS**

1. The speed limits for both directions of travel in the parking areas and roadways lane shall be 25 mph.
2. The speed limit for both directions of travel on the following roads are:

<u>ROAD</u>	<u>MPH</u>	<u>LIMITS</u>
Blvd. DeJardin	25	Entire Length
Windflower Court	25	Entire Length

Snowdrop Court	25	Entire Length
Indigo Court	25	Entire Length
Mariposa Court	25	Entire Length
Banyon Court	25	Entire Length
Crimson Court	25	Entire Length
Tivoli Court	25	Entire Length
Garden Path	25	Entire Length
Lily Court	25	Entire Length
Tarragon Court	25	Entire Length
Roseberry Court	25	Entire Length

3. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits as authorized by the Department of Transportation.

X. All signs, posts, bolts or other necessary materials shall be installed and paid for by the applicant. (except where otherwise indicated). Work shall be checked by the Police Department's Traffic and Safety Bureau of the Township of Marlboro to insure that installations meet State and Federal Specifications and all signing shall conform to the current manual on uniform Traffic Control Devices.

#### **XI. PENALTIES**

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

#### **XII. EFFECT OF ORDINANCE**

If any part or parts of this ordinance are, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

#### **XIII. REPEAL**

All former traffic ordinances of the Township of Marlboro pertaining to Pointe DeJardin are hereby repealed and all ordinances or part of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation or any ordinance hereby repealed prior to the taking effect of this ordinance.

RESOLUTION # 219-95

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

ORDINANCE # 37-95

AN ORDINANCE REVISION ORDINANCE NO. 19-92  
REGARDING PARKING REGULATIONS AT THE  
EXCLUSIVE PLAZA COMMUTER PARKING LOT

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. 28, 1995 at 7:30 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 # 37-95

AN ORDINANCE REVISING ORDINANCE NO.19-92  
REGARDING PARKING REGULATIONS AT THE  
EXCLUSIVE PLAZA COMMUTER PARKING LOT

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

1. Subsection V, entitled "Permit Parking" of Section I of Ordinance No. 19-92, adopted by the Township Council of the Township of Marlboro on June 25, 1992, regarding the Exclusive Plaza Commuter Parking Lot, is hereby revised in its entirety so that it shall now read as follows:

**V. PERMIT PARKING**

1. The parking lot has reserved parking for various vehicles which must be properly identified as per site plan, and identification stickers must be displayed on the left rear window of each vehicle.

2. All employees of Exclusive Plaza shall be issued parking permits by the owner. These permits shall be dated by year, and displayed inside the left rear window. The stickers shall not be less than a 2 inch square. These stickers shall be the responsibility of the owner and a list shall be furnished to the

Traffic and Safety Bureau at least twice a year. This list will include the registration year, color, driver's information and sticker number. It shall be the owners responsibility to collect any stickers from former employees.

3. The following spaces shall be set aside for the Atlantic City concession. Special time dated permits shall be issued daily by the owners of Exclusive Plaza or a designated representative. These permits shall be used for the following mentioned spaces only:

NAME OF STREET	SIDE	LOCATION
A Street	East	Outer Edge, the last six spaces at south end
H Street	South	3 spaces directly east of the commuter spaces
I Street	North	3 spaces directly east of the commuter spaces

4. Regulatory signs shall be installed and maintained by the owners of Exclusive Plaza. Signs shall indicate parking by permit for Atlantic City.

2. Subsection I, entitled "Commuter Permit" of Section II of Ordinance No. 19-92, adopted by the Township Council of the Township of Marlboro on June 25, 1992, regarding the Exclusive Plaza Commuter Parking Lots is hereby revised in its entirety so that it shall now read as follows:

## SECTION II

### I. COMMUTER PERMIT:

1. The following 100 spaces shall be set aside for commuter parking by permit **ONLY**. Permits shall be issued by the Township of Marlboro and affixed to the left side rear window of vehicles authorized to use the spaces.

NAMES OF STREETS	SIDE	LOCATION
A Street	West	Entire outside edge 78 spaces, 1 handicapped space as shown on map
G Street	South	First 4 spaces from west to east

H Street	North	First 6 spaces from west to east
H Street	South	First 5 spaces from west to east
I Street	North	First 6 spaces from west to east

2. Regulator and warning signs shall be erected and maintained by Marlboro Township to effect the above designated commuter parking spaces authorized by the Department of Transportation.

3. Signs shall state "Commuter Parking for Exclusive Plaza Permits Only."

3. All other subsections of Sections I and II of Ordinance 19-92 shall remain in full force and effect.

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.

Res. \$220-95/Ord. #38-95 (Property Exchange) was moved to Executive Session, as it is a potential litigation item.

The following Resolution #224-95 (Affirming Appointment of Emergency Management Council) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 224-95

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 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 advise and consent of the Township Council, that the following persons be appointed to the Emergency Management Council:

NAME	WORKING TITLE
Philip J. Piccolo	Safety\Risk Management Twsp. Bd of Ed
Stanley Podstowsky	Owner\Operator Stanleys 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. Council President
Christopher Cherbini	Captain Morganville First Aid
Roxane Horowitz	Captain Marlboro First Aid
Robert W. Stover	Chief Marlboro Twsp. Police Dept.
Mary Ann Charney	Mobile Intensive Care Paramedic
James Bartly	Operations Manager, Handex Corp.
Robert Albertson	Marlboro Twsp. Business Administrator
Joseph R. Walker	Retired Marlboro Twsp. Police Chief

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 Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot:

Res. #225-95 (Award of Bid: Plows & Sander - Seeley Equipment & Supply Co. - \$30,045), Res. #226-95 (Award of Bid: Maintenance Contract for Heating & Air-Conditioning for Mun. Bldg. - Milor Service Inc. - \$10,313), Res. #227-95 (Award of Bid: Heavy Duty Work Vehicle - Storr Tractor Co. - \$22,100) and Res. #228-95 (Award of Bid: Mason Contract - Batalas Industries, Inc. - \$181,700).

RESOLUTION # 225-95

BE IT RESOLVED THAT:

1. SEELEY EQUIPMENT & SUPPLY, CO.  
 be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Plows & Sanders

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:

Seeley Equipment & Supply Co.  
 1325 Hwy. 34, Farmingdale, N. J. 07727-3619

on their low bid of: \$30,045.

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 # 226-95

BE IT RESOLVED THAT:

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

Maintenance Contract for Heating and Air-Conditioning  
 for Municipal Building

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:

Milor Service Inc.  
 3433 Sunset Avenue, Ocean, N. J. 07712

on their low bid of: \$10,313.

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 # 227-95

BE IT RESOLVED THAT:

1. STORR TRACTOR CO.  
be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

## HEAVY DUTY WORK VEHICLE

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:

Storr Tractor Co.  
3191 U. S. Hwy. 22, Somerville, N. J. 08876

on their low bid of: \$22,100.

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 # 228-95

BE IT RESOLVED THAT:

1. BATALAS INDUSTRIES, INC.  
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:

Batalas Industries, Inc.  
P. O. Box 705  
Farmingdale New Jersey 07727

on their low bid of: \$181,700.

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 Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #229-95 (Consenting to Sewer Extension - Ryan Road), Res. #230-95 (Ryan Road State Aid Project - Extension of Time for Award of Bid) and Res. #231-95 (Authorized Contract - Maser Assoc. - Ryan Road).

RESOLUTION # 229-95

RESOLUTION CONSENTING TO SEWER EXTENSION - RYAN ROAD

WHEREAS, in connection with the improvements that are being undertaken to Ryan Road, it is necessary for an application to be submitted to the New Jersey Department of Environmental Protection for a sewer extension; and

WHEREAS, the applicant for the sewer extension shall be the Western Monmouth Utilities Authority; and

WHEREAS, the governing body of the Township of Marlboro must provide their consent in the form attached hereto; and

WHEREAS, the Township Engineer, David Birnbaum, P.E., has recommended that the governing body provide said consent.

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

1. That the Township hereby authorizes the submission of an application to the Department of Environmental Protection for a sewer extension relating to the improvements being undertaken to Ryan Road, Marlboro Township, New Jersey.

2. That the Township Engineer, David Birnbaum, P.E., is hereby designated as the authorized representative of Marlboro Township for this project.

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

- a. David Birnbaum, P.E.
- b. Russell Nerlick, P.E., Executive Director  
Western Monmouth Utilities Authority  
P.O. Box 390, Englishtown, New Jersey 07726

- c. Bernadette T. King, P.E.,  
Maser Sosinski & Associates, P.A.  
30 Freneau Avenue (Route 79),  
Matawan, New Jersey 07747
- d. Township Attorney

RESOLUTION # 230-95

RESOLUTION REQUESTING FINAL EXTENSION OF TIME  
TO AWARD CONSTRUCTION CONTRACT - RYAN ROAD  
REHABILITATION PROJECT

WHEREAS, it is necessary for the Township of Marlboro to obtain a final extension of time on the deadline for the award of a construction contract for the Ryan Road rehabilitation project for the reasons set forth in the letter of Dean Staknys, P.E., Assistant Township Engineer, dated August 2, 1995, which is attached hereto and made a part hereof; and

WHEREAS, this last extension of time shall allow the Township to finalize the acquisitions of parts of twelve (12) properties along Ryan Road as well as to obtain the final approval from neighboring Manalapan Township for a drainage system tie-in requiring additional unanticipated investigations.

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

1. That we hereby request the N.J.D.O.T. to grant the Township with a final extension of time to award the construction contract covering the Ryan Road rehabilitation project from September 12, 1995 to April, 1996.

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

- a. New Jersey Department of Transportation  
(Attention: Michael Russo)  
New Jersey Department of Transportation  
Region III Headquarters, Route 79 & Daniels Way  
Freehold, New Jersey 07728
- b. Richard M. Maser, P.E., P.P.  
Maser Sosinski & Associates, P.A.

- c. Township Engineer
- d. Township Attorney

RESOLUTION # 231-95

RESOLUTION AUTHORIZING ADDITIONAL ENGINEERING SERVICES TO BE  
PROVIDED BY MASER SOSINSKI & ASSOCIATES, P.A.  
RELATING TO THE RYAN ROAD IMPROVEMENT PROJECT

WHEREAS, due to the necessity for Marlboro Township to obtain a drainage tie-in to Manalapan Township in connection with the Ryan Road Improvement Project, it is necessary to retain the services of Maser Sosinski & Associates, P.A., to provide additional services; and

WHEREAS, these services have been outlined in a proposal submitted by Maser Sosinski & Associates, P.A., dated August 3, 1995, which is attached hereto and made a part hereof; and

WHEREAS, Maser Sosinski & Associates, P.A., have proposed to undertake this additional engineering work for a lump sum fee of \$3,600.00, which would be in addition to their original contract, as amended; and

WHEREAS, the Township Engineers have recommended that the Township authorize Maser Sosinski & Associates, P.A., to perform these additional engineering services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. seq. authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the resolution authorizing the contract and the contract itself be made available for public inspection in the office of the Municipal Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

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 Maser Sosinski & Associates, P.A., in connection with the above additional engineering services relating to the Ryan Road Improvement Project, which are more specifically described in the proposal attached hereto, dated August 3, 1995.

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)(i) of the Local Public Contracts Law of New Jersey.

3. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and attach same to this Resolution.

4. That notice of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Maser Sosinski & Associates, P.A.  
(Attention: Richard M. Maser, P.E., P.P.)
- b. Dean Staknys, P.E.
- c. Sheila Fishkin, Chief Financial Officer
- d. Robert Albertson, Business Administrator
- e. Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot: Res. #232-95 (Bond Release Denial Bolling Brook/Country Hills, Sect. 1), Res. #233-95 (Melcorp/Champion Sports Site - Bond Release) . Res. #234-95 (Bond Release Denial - Anthony Charles Site Plan), Res. #235-95 (Bond Reduction - Woods at Marlboro - Sections 1 - 5) and Res. #236-95 (Bond Release - Dr. Ladman).

RESOLUTION # 232-95

RESOLUTION DENYING BOND RELEASE  
BOLLING BROOK COUNTRY HILLS, SECTION I

WHEREAS, Group Construction of Marlboro, Inc. has requested the release of a Township held Performance Bond for a development known as Bolling Brook/Country Hills, Section I; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the attached report from the

Municipal Engineers, David Birnbaum, P.E. and Dean Staknys, P.E., dated July 27, 1995, which does not recommend the bond release at this time; 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 request for a release of the Performance Bond for a development known as Bolling Brook/Country Hills, Section I is denied.

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

- a. Group Construction of Marlboro, Inc.
- b. First Indemnity of America Insurance Company
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 233-95

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - MELCORP/CHAMPION SPORTS

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Bond posted by Melcorp/Champion Sports relating to the installation of an aeration facility in the retention basin at the Melcorp site; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineers, dated July 26, 1995, and Schoor DePalma, dated July 18, 1995, which recommend the release due to the fact that an aeration facility is not necessary; and

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

\*Copies 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 the Performance Bond posted by Melcorp/Champion Sports for an aeration facility in the amount of \$10,000.00 shall be reduced to zero and released.

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

- a. Melcorp/Champion Sports
- b. Frontier Insurance Co.
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 234-95

RESOLUTION DENYING PERFORMANCE GUARANTEE  
REDUCTION - ANTHONY CHARLES SITE PLAN

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Guarantee for a site plan under the name of Anthony Charles Association/Anthony Charles Alario; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the attached report from the Municipal Engineers, David Birnbaum, P.E. and Dean Staknys, P.E., dated July 31, 1995, which does not recommend any reduction at this time; 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 request for a reduction of the Letter of Credit posted for the above site plan is denied.

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

2. That the request for a reduction of the Cash Bond posted for the above site plan is denied.

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

- a. Anthony Charles Association/Anthony Charles Alario
- b. Meadowlands National Bank
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 235-95

RESOLUTION AUTHORIZING THE REDUCTION OF PERFORMANCE BOND -  
ELIZABETH HILLS/WOODS AT MARLBORO, PHASES I AND II

WHEREAS, the Township of Marlboro has received a request for the reduction of a Township held Performance Bond for a development known as Elizabeth Hills/Woods at Marlboro, Phases I and II; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Schoor DePalma, the consulting engineers in charge of inspections for this project, dated July 12, 1995, which has been approved by the Township Engineers and is attached hereto; and \*SEE ATTACHED

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above Performance Bond.

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 Elizabeth Hills/Woods at Marlboro, Phase I, in the present amount of \$613,211.80, representing 30 percent of the original bonded amount, shall not be reduced at this time.

2. That the Cash Bond for a development known as Elizabeth Hills/Woods at Marlboro, Phase I, in the present amount of

\*Copies of attached material to be found in regular minute book

in Clerk's office.  
 \$68,134.65, representing 30 percent of the original bonded amount, shall not be reduced at this time.

3. That the Performance Bond for a development known as Elizabeth Hills/Woods at Marlboro, Phase II, in the present amount of \$372,871.00, shall be reduced by \$117,998.02, so that the amount to remain shall be \$254,872.98, which represents 30 percent of the original amount.

4. That the Cash Bond for a development known as Elizabeth Hills/Woods at Marlboro, Phase II, in the present amount of \$41,430.00, shall be reduced by \$13,110.78, so that the amount to remain shall be \$28,319.22, which represents 30 percent of the original bonded amount.

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

- a. K. Hovnanian Companies  
 225 Highway 35  
 Red Bank, New Jersey 07701  
 (Attention: Daniel Murphy, Esq.)
- b. Stewart Alexander, P.E., P.P., C.M.E.  
 Schoor DePalma, P.O. Box 900  
 Manalapan, New Jersey 07726
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 236-95

RESOLUTION AUTHORIZING THE RELEASE OF  
 PERFORMANCE GUARANTEE - DR. MARTEN LADMAN

WHEREAS, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee posted by Dr. Marten Ladman; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated July 19, 1995, which recommends the release; 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 Guarantee posted by Dr. Marten Ladman in the amount of \$34,699.00 shall be reduced to zero and released.

2. That the Cash Bond posted by Dr. Marten Ladman in the amount of \$3,855.00 shall be reduced to zero and released.

3. That the release is conditioned upon the following:

- a. The posting of an acceptable 2-year maintenance guarantee with the Township in the amount of \$4,819.00; and
- b. Receipt of Final Report of Compliance from Freehold Soil Conservation District; and
- c. Receipt of an acceptable as-built drawing; and
- d. The satisfactory addressing of the two "construction items" listed in to the attached report.

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

- a. Dr. Marten Ladman
- b. United Jersey Bank
- c. Township Engineer
- d. Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #237-95 (Approving Letter of Representation and Continuing Disclosure Agreement - Monmouth County Improvement Authority), Res. #238-95 (Redemption of Tax Sale Certs. - Various), Res. #239-95 (Mon. County Bd. of Taxation Refunds - Various),

\*Copies of attached material to be found in regular minute book

in Clerk's office.

Res. #240-95 (Tax Court Judgments Refunds - Various), Res. #241-95 (Refunds for Overbilled Amounts - Various), Res. #242-95 (Senior Citizen Deductions - Various), Res. #243-95 (Veteran Deductions - Various), Res. #244-95 (Refund of Sewer Charges - WMUA, Res. #245-95 (Canceling Taxes for Block 111, Lot 24 and Returning Funds to Abedrabbo), Res. #246-95 (Exempt Fireman Joseph Wilfong), Res. #247-95 (Raffle License Jewish Community Center of Western Monmouth), Res. #248-95 (Raffle License St. Gabriel's Church), and Res. #249-95 (Raffle License Little League).

RESOLUTION # 237-95

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 1995 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, New Jersey (the "Municipality") desires to lease and permanently 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 1995 (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 1995, there has been prepared and submitted to the Municipality a Letter of Representation in the form attached hereto as Exhibit A and a Continuing Disclosure Agreement in the form attached hereto as Exhibit B;

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 the Continuing Disclosure Agreement, 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 Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. 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 1995 and all related transactions contemplated by this resolution.

SECTION 4. 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 5. This resolution shall become effective immediately.

RESOLUTION # 238-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$17,148.22 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 \$17,148.22 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
92-42	222/19	Walter Blok	\$ 7,602.87

## School Road East

95-4	111/25	First Fidelity Collateral	2,453.80
	Greenwood Road	Trustee/MDSMFD	
95-33	172/11	GTL Investments - Breen Capital	4,205.77
	Spring Valley Road		
95-51	149/4	Martin and/or Vicky Medvin	190.80
	Tennent Road		
95-52	173/7 C0072	U.S. Municipal Tax Lien Fund, Ltd.	198.97
	Foxwood Place	Custodian for D.H. Associates	
95-53	176/98	GTL Investments - Breen Capital	457.44
	East Frances Avenue		
95-58	313/19	Thomas L. Brennan	452.50
	Algonquin Drive		
95-60	396/1 C0132	Martin and/or Vicky Medvin	135.81
	Tangerine Drive		
95-64	307/8	Thomas L. Brennan	288.04
	Forest Court		
94-70 & 93-65	396/1 C0266	Carol L. Baron, Trustee	<u>1,162.22</u>
	Plum Drive		
			\$17,148.22

RESOLUTION # 239-95

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year 1995 as per the attached Schedule "A",

WHEREAS, the 1995 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$651.35 as per the attached Schedule "A",

WHEREAS, the 1995 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$26,422.50 to this unpaid balance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$651.35 and to apply \$26,422.50 as noted above.

## SCHEDULE "A"

BLOCK	ASSESSED OWNER	REFUND	APPLY
101 11 144 Ticetown Rd	Jeffrey Cohen		233.42
125 3 20 Marlboro St.	Lois Lawley		95.83
131 1 7 Marlboro St.	Thomas & Clare Buenaga		407.86
140 23 73 Knob Hill Rd	Chung-Shin & Mei-Hsin Ma		503.69
143 12 Route 34	Charles A. & Charlotte Rounds		771.50
153 98 95 Reids Hill Rd	Reids Hill HO Assoc.Inc.Sec I c/o Steven J. Brodman, Esq. PO Box 190 Middletown, NJ 07748	622.00	3,800.60
173 2 325 Spring Valley Rd	David Unmu & Yun Hee Lee	29.35	1,742.15
180 44 6 Evan Dr	Ahron & Miriam Jundef		3,518.20
180 52 30 Eric Ct	Joseph & Cindy Chan		872.20
268 72 Route 520	Domenic & Anne & Joanne Gatto		595.35
268 73 59 Route 520	Clarkson & Shirley Holmes, Jr.		595.35
268 74 61 Route 520	Frederick V. & Elizabeth Vanoni		595.35
268 75 65 Route 520	Lester L. & Florence Linneman		1,320.55
268 76	Katherine Andrews		595.35

69 Route 520			
268	77	Eansley & Jean H. Boyce	1,092.70
71 Route 520			
288	29 C0027	Hector & Esperanza Ramirez	115.15
27 Aspen Ave			
288	29 C0028	Lionel R. & Lynn R. Levy	124.95
28 Aspen Ave			
299	1	U.H.M. Assoc. Ltd. Prtn.	9,270.80
Route 9			
305	86	Stephen & Lois Scherer	171.50
240 Tracy Dr			
			\$651.35 \$26,422.50

TOTAL TO BE REFUNDED: \$651.35

TOTAL TO BE APPLIED: \$26,422.50

RESOLUTION # 240-95

WHEREAS, the Tax Court of New Jersey has granted judgments for the year 1995 as per the attached Schedule "A"

WHEREAS, the 1995 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$11,037.25 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to apply \$11,037.25 as noted above.

SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	1995 APPLY
268.01/41.01	Willow Pointe Associates, L.P. Route 9	\$4,287.50
270/16	Marlboro Associates c/o Gelber Route 9	1,225.00
270/16.01	Marlboro Associates c/o Gelber Nash Court	5,524.75

AMOUNT TO BE APPLIED: \$11,037.25  
RESOLUTION # 241-95

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 1995, and

WHEREAS, the 1995 taxes were paid in full based on the overbilled amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro amounts totaling \$1,170.64, as per attached Schedule "A".

SCHEDULE "A"

BLOCK		ASSESSED OWNER	
119.01	5	Bhattacharya, Satajit & Sucheta	\$825.48
9 Rachael Drive			
153	88	Bott, Richard R. & Cynthia B.	39.87
73 Reids Hill Road			
206.01	51	Wyncrest Manor, Inc.	24.62
Salem Court		(former assessed owner)	
206.04	1	Wyncrest Manor, Inc.	280.67
Burlington Drive		(former assessed owner)	
TOTAL:			\$1,170.64

RESOLUTION # 242-95

WHEREAS, Senior Citizen deductions totaling \$500.00 have been granted as per the attached Schedule "A",

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
124	1	Albert F. & Lavinia J. DeLoskey	\$250.00
5 Roosevelt Avenue			

288	29	C0451	Antoinette Huslinger 451 Bayberry Court	250.00
TOTAL:				\$500.00

RESOLUTION # 243-95

WHEREAS, Veteran deductions totaling \$150.00 have been granted as per the attached Schedule "A" for the year 1995,

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
173	7	C0096 Matthew & Jennie R. Bartilucci 96 Foxwood Place	\$ 50.00
178		C0073 Charles F. & Mary Jo Murphy 73 Culford Place	50.00
379	6	Sidney Gloria Alpert 55 Clubhouse Lane	50.00
TOTAL _____			\$150.00

RESOLUTION # 244-95

WHEREAS, tax sale certificates sold at the 1995 Tax Lien Sale included delinquent sewer charges in the amount of \$6,015.72 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 \$6,015.72 be refunded to the WMUA.

## SCHEDULE "A"

BLOCK		ASSESSED OWNER	AMOUNT	CERT.
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107	6	Cash, Frank	453.74	95-2
122	37	Zelosko, Gerald E.	271.03	95-8
173	7 C0322	Min, Chan Ki & S	409.50	95-37
178	2 C0435	Matz, Benjamin & Debra	447.91	95-39
149	4	Eckel, Theresa c/o T. English	157.80	95-51
173	7 C0072	Cavallo, Eugene N. & Teresa	198.35	95-52
176	98	Nodalny, J., J Loures & G. Loures	453.91	95-53
178	2 C0289	Prongay, Kathleen & Michele	247.54	95-54
178	2 C0479	Brown, Rosa L.	411.33	95-55
228	17	Fertig, David & Renee	461.14	95-56
299	57	Kornbluth, Lisa A.	410.88	95-57
313	19	Weiss, Lawrence C. & Harla Joy	442.00	95-58
394	20	Katz, Zalman & Andrea	442.13	95-59
396	1 C0132	Federal National Mortgage Assoc.	134.97	95-60
400	8	Bernstein, Stanley & Susan M.	198.35	95-61
402	14	Pellicione, John & Harriet	426.43	95-62
403	1	Goldberg, Eileen	448.71	95-63

TOTAL \_\_\_\_\_ \$6,015.72

RESOLUTION # 245-95

RESOLUTION CANCELING TAXES AS TO BLOCK 111,  
LOT 24 AND RETURNING FUNDS TO AHMAD ABEDRABBO  
DUE TO OVERPAYMENT

WHEREAS, on March 15, 1994, the Honorable Patrick J. McGann, Jr. J.S.C., executed an Order of Judgment in the case known as Leach vs. Bradley. et als, bearing Docket Number C..131-93, which, among other things, reestablished the legal description of Block 111, Lot 24 on the Tax Map of the Township of Marlboro as owned by Ahmad and Linda Abedrabbo; and

WHEREAS, at all times relevant hereto, Mr. and Mrs. Abedrabbo have paid the taxes that were due and owed from them to the Township of Marlboro on the above property, which was previously identified under a different designation, that being Block 111, Lot 23; and

WHEREAS, due to the renumbering of the property owned by Mr. and Mrs. Abedrabbo by the above Order, they were erroneously identified as having been delinquent in the payment of taxes; and

WHEREAS, in order to avoid the consequences of the Tax Collector's sale of a certificate against their property, Mr. and Mrs. Abedrabbo made a tax payment in the amount of \$2,692.29 to the Township which has now caused them to have made an overpayment to the Township; and

WHEREAS, the Township now wishes to return the overpaid funds to Mr. and Mrs. Abedrabbo and cancel the outstanding taxes which appear to be owed on Block 111, Lot 24 in the amount of \$2,457.07 resulting from the transfer of property designations required by the above-mentioned Court Order; and

WHEREAS, the Tax Collector has recommended this measure in order to resolve the situation.

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

1. That the sum of \$2,692.29 shall be returned to Ahmad Abedrabbo.
2. That the taxes appearing "open" as to Block 111, Lot 24 in the amount of \$2,457.07 are hereby canceled.
3. That a certified copy of this Resolution shall be provided to the Tax Collector and the Township Attorney.

RESOLUTION # 246-95

WHEREAS, JOSEPH WILFONG has served in the Robertsville Volunteer Fire Company #1, as a member of the Company for a period of seven years, and

WHEREAS, the Robertsville Volunteer Fire Company #1 has recommended to the Marlboro Township Council that JOSEPH WILFONG be designated an Exempt Fireman pursuant to N.J.S.40A:14-56 and,

WHEREAS, it has been certified to the Township Council that JOSEPH WILFONG 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 JOSEPH WILFONG as a 7 year Exempt Fireman pursuant to N.J.S. 40A:14-56.
2. That the Township Council extends its congratulations and thanks to JOSEPH WILFONG for his services as a Volunteer during the past 7 years.

RESOLUTION # 247-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 9-95 be and it is hereby granted to Jewish Community Center of Western Monmouth County.

BE IT FURTHER RESOLVED that said Raffle will be held on September 10, 1995 at 5:30 PM at Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey 07746.

RESOLUTION # 248-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 10-95 be and it is hereby granted to St. Gabriel's Roman Catholic Church.

BE IT FURTHER RESOLVED that said Raffle will be held on September 24, 1995 at 6:00 PM at St. Gabriel's Church, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 249-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License #RA: 11-95/6 be and it is hereby granted to Marlboro Little League.

BE IT FURTHER RESOLVED that said Raffle will be held on April 3, 1996 at 12 Noon at the Marlboro Little League Field, Tennent Road, Morgantown, N. J. 07751.

The following Resolution #250-95 (Tax Payment Plan - Authorizing Agreement with Michael Landi - Block 169, Lot 2 & Block 170, Lot 35) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 250-95

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO  
AN AGREEMENT FOR THE PAYMENT OF TAX DELINQUENCIES  
REGARDING BLOCK 169, LOT 2 AND BLOCK 170, LOT 35

WHEREAS, pursuant to N.J.S.A.54:5-19, the Township of Marlboro wishes to enter into the attached Agreement with Michael Landi, the new record owner of the properties located at Block 169, Lot 2 and Block 170, Lot 35 within the Township of Marlboro in order to arrange for the payoff of delinquent tax and interest arrears which

have been accumulating concerning the above properties; and

WHEREAS, the Agreement provides for an immediate payment to the Township of half of the outstanding amounts owed with the property owner paying the remaining half to the Township in regular, equal monthly installments over a period of twelve (12) months beginning on October 1, 1995.

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 Michael Landi, under the conditions which are set forth above and in the said Agreement.

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

- a. Michael Landi
- b. William Mehr, Esq.
- c. Shirley Giaquinto, Tax Collector
- d. Township Attorney

The following Resolution #251-95 (Authorization to Bid: One (1) Emergency Medical Vehicle & Equipment) was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 251-95

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:

One (1) 1995 Emergency Medical Vehicle & Equipment

At 9:00 P.M., Councilman Friedman moved that the meeting go into Closed Session for the purposes of discussing potential litigation. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 10th day of August, 1995 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 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 9:20 PM, Councilman Friedman moved that the executive session be opened. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #252-92 (Amending Res. #145-95 - Collier Jacob & Mills) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 252-95

RESOLUTION REGARDING THE PROFESSIONAL LEGAL SERVICES OF COLLIER JACOB & MILLS, P.C.

WHEREAS, on May 11, 1995, the Township Council passed Resolution No. 145-95 authorizing the retention of the professional legal services of Collier Jacob & Mills, P.C. for a litigation matter bearing Docket No. 194..0068; and

WHEREAS, the Resolution included a cap as to expenditure in the amount of \$10,000.00 without further approval of the Township Council; and

WHEREAS, the Township Council feels that it would be more appropriate for the Township Attorney to keep track of the expenses incurred in this matter rather than requiring it to continually return to Council for the passage of further Resolutions as necessary.

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

1. That the cap as to expenditure in the amount of \$10,000.00 on the contract between the Township of Marlboro and Collier Jacob & Mills. P.C. is hereby removed from Resolution No. 145-95.

2. That the law firm of Collier Jacob & Mills, P.C. shall be required to report all expenses incurred in the above litigation matter to the Township Attorney, who must provide his approval of same prior to payment being made by the Department of Finance.

3. 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. Cynthia Jacob, Esq.  
c/o Collier Jacob & Mills, P.C.
- d. Township Attorney

At 9:25 PM, Councilman Metzger 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: September 28, 1995

OFFERED BY: Colarusso AYES: 5

SECONDED BY: Metzger NAYS: 0

  
 \_\_\_\_\_  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

  
 \_\_\_\_\_  
 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

September 28, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on September 28, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975 known as the Open Public Meetings Act. 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick

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

Administrative Report - Mayor Scannapieco announced that Marlboro Township will receive the first allotment of a \$150,000 federal grant next month which will help to pay for the additional police officers hired this year. The Mayor read a Proclamation for Fire Prevention Week, which is October 8 through 14. Business Administrator Bob Albertson announced that Marlboro Township has been honored by the Dept. of Personnel, State of New Jersey, for various projects dealing with personnel.

Council Vice President Colarusso moved that the minutes of August 10, 1995 be approved. This was seconded by Councilman Metzger, and was passed on a roll call vote of 5 - 0 in favor.

Upon direction of the Law Dept. and Lt. Schick, Council tabled Res. #278-95 (Award of Bid: Police Cars (6) - Winner Group - \$18,756 each). This will be reconsidered at the October 12, 1995 meeting.

Council President Broderick stated that Discussion Item 1 (Sidewalk - Wyncrest Road/Library-Route 520) had previously

been addressed with the citizen who had made the initial request. Mayor Scannapieco had directed Business Administrator Bob Albertson to research the cost and feasibility.

Council then addressed Item 5 (Presentation - Land Acquisition - 64± Acres Open Space/Conservation/Recreation by Marlboro Township). Emile DeVita, of the New Jersey Conservation Foundation) was present and along with Mayor Scannapieco, described the property, which is located on Tennent Road, bordering Route 18 and Route 520. The property can be acquired by the Township for the cost of the Foundation's expenses, which is \$14,000. This property has been donated to the Foundation by the previous landowners to be preserved for passive recreation or open space. The uplands portion of the property can be developed as ballfields in the future. The wetlands portion of the property must remain in the natural state and preserved as such. The assessed value of the property is \$573,000 and was appraised by a private appraisal company at \$360,000. As both Mayor and Council supported the acquisition of this property, the following Resolution #279-95/Ord. #38-95 was introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Friedman, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 279-95

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

ORDINANCE # 38-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A VACANT PARCEL OF LAND LOCATED ON TENNENT ROAD AND NEW JERSEY ROUTE 18 (BLOCK 180, LOT 14 ON THE TOWNSHIP TAX MAP) FOR OPEN SPACE, CONSERVATION AND RECREATIONAL 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 October 26, 1995 at 7:30 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 # 38-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE A VACANT PARCEL OF LAND LOCATED ON TENNENT ROAD AND NEW JERSEY ROUTE 18 (BLOCK 180, LOT 14 ON

THE TOWNSHIP TAX MAP) FOR OPEN SPACE,  
CONSERVATION AND RECREATIONAL PURPOSES

WHEREAS, on December 20, 1994, a vacant parcel of land located on Tennent Road and New Jersey Route 18 (Block 180, Lot 14 on the Township Tax Map) was dedicated by Deed from Julie Fox, David Fox and Linda Schway, as tenants in common, to the New Jersey Conservation Foundation; and

WHEREAS, the property is composed of approximately 65 acres and is assessed by the Township of Marlboro in the amount of \$573,500.00 for the tax year 1995; and

WHEREAS, it was the intention of the above grantors that the property be preserved for open space, conservation and recreational purposes; and

WHEREAS, the New Jersey Conservation Foundation has offered to sell the entire tract to the Township of Marlboro at a bargain sale price of \$14,000.00, representing its project costs associated with the land over the last year; and

WHEREAS, the Foundation has requested that, as part of this transaction, the Township will agree to be bound by certain Deed restrictions to use the land in accordance with the Fox family's wishes, as set forth above; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro believe that the acquisition of this property, pursuant to N.J.S.A. 40A:12-1 et seq., will greatly benefit the residents of our community in providing a significant amount of land for open space, conservation and recreational opportunities at a minimal cost; and

WHEREAS, this cost shall be fully funded through the capital improvement fund of the Township and will not require any further contribution from the taxpayers of the Township of Marlboro.

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

1. That the Mayor is authorized to execute and the Township Clerk to attest all necessary documents to effectuate the acquisition of the above referenced property located at Block 180, Lot 14 on the Tax Map of the Township of Marlboro for open space, conservation and recreational purposes for the price of \$14,000.00.

2. That the Deed and all other documents necessary to complete this acquisition shall be acceptable to the Township Attorney in form and content prior to final execution.

3. That 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.

Mayor Scannapieco and Council President Broderick presented plaques to Elyse Carlson & Denise Mokes, co-chairpersons for the 8th Annual Marlboro Soccer Tournament, and thanked them for the outstanding job they did.

Sally Mollica, who could not be present, was honored for her work as Chairperson of the Burnt Fly Bog committee. Mayor Scannapieco, Lester Jargowsky and Liz Poulson each spoke about Mrs. Mollica's accomplishments. The plaque was accepted by her daughter, Stephanie Mollica.

Mayor Scannapieco and Mr. Schick presented Mr. & Mrs. Russo with a plaque for an outstanding act of heroism. Several months ago, a car rolled and trapped a child under the wheel. Mrs. Russo witnessed the event, and immediately called Mr. Russo, who lifted the car off the child.

The following Resolution #253-95 (Commending Swim Division and Arthur Lawrence for an Outstanding 1995 Season) was read by Councilwoman Marcus, offered by Council Vice President Colarusso, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot. A framed Resolution was presented to Director Arthur Lawrence, as well as Swim Division Members, Chairman Mark Norych, Kal Kessler and Joyce Putterman. Council President Broderick displayed a plaque that the Swim Division had previously presented to Council, thanking Council for their support.

RESOLUTION # 253- 95

RESOLUTION COMMENDING THE MARLBORO SWIM  
DIVISION AND DIRECTOR, ARTHUR LAWRENCE

WHEREAS, the Mayor and Township Council of the Township of Marlboro feel that the Marlboro Swim Division and its director, Arthur Lawrence, performed an outstanding job in operating the Marlboro Swim Facility during the 1995 summer season; and

WHEREAS, we were impressed by the staff which serviced the Swim Division members, the programs and special activities which were offered for people of all ages, and the overall level of excellence with which this facility was operated; and

WHEREAS, we wish to show our support for the Swim Division and its director, Arthur Lawrence, and thank them for the extraordinary services and activities that they consistently provide to the residents of our community.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend and thank the Marlboro Swim Division and its director, Arthur Lawrence, for performing an outstanding job in operating the Marlboro Swim Facility during the 1995 season.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Marlboro Swim Division and its director, Arthur Lawrence, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #254-95 (Commending Lisa Harmon-Brown for Outstanding Service as Substance Abuse Coordinator) was read by Councilman Friedman, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot. Both Mayor Scannapieco and Councilman Friedman commended Lisa Harmon-Brown for the outstanding job she is doing, and presented her with a framed resolution.

RESOLUTION # 254-95

RESOLUTION COMMENDING LISA HARMON-BROWN  
FOR SERVING AS THE MARLBORO TOWNSHIP  
SUBSTANCE ABUSE COORDINATOR

WHEREAS, the Mayor and Township Council of the Township of Marlboro are aware that Lisa Harmon-Brown serves as the Substance Abuse Coordinator for the Township; and

WHEREAS, Ms. Harmon-Brown provides 7th and 8th graders with education in drug and alcohol abuse prevention, and encourages alternate activities for these students such as game nights, drug-free dances and trips; and

WHEREAS, the Mayor and Township Council believe that Ms. Harmon-Brown performs an outstanding job in educating the Township's young residents and we wish to encourage other individuals of the community to follow her lead in assisting our children to stay clear of substance abuse.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend and thank Lisa Harmon-Brown for the outstanding service that she provides as the Substance Abuse Coordinator for the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Lisa Harmon-Brown, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this public commendation.

The following Resolution #255-95 (Appointing Steven Brody - Marlboro High School Council Liaison) was read by Councilman Metzger, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot. Councilman Metzger congratulated Steven Brody on his appointment as Liaison.

RESOLUTION # 255-95

RESOLUTION APPOINTING STEVEN BRODY AS  
THE COUNCIL LIAISON TO MARLBORO HIGH SCHOOL

WHEREAS, the Township Council of the Township of Marlboro wishes to create a new liaison position to interface between the Township Council and Marlboro High School; and

WHEREAS, the Township Council wishes to appoint Steven Brody to serve in that position for the remainder of the year 1995.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that Steven Brody is hereby appointed to serve as the Council liaison between the Township Council and Marlboro High School for the remainder of the year 1995.

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

- a. Steven Brody
- b. Marlboro High School
- c. Township Attorney

Council Speaks Out - Council President Broderick displayed the plaque given to Council by Marlboro Pop Warner during the dedication ceremony for their new building.

Citizen's Voice - There was no one who wished to speak.

Council then discussed Item 27 (Res. #269-95 - Amendment to Service Contract - WMUA - 1978) and Item 28 (Res. #270-95 - Authorizing Municipal Representative - Issuance, Sale & Delivery of Bonds - WMUA). The following professionals were present and answered all Mayor and Council's questions: Russell Nerlick,

Executive Director; James Cleary, Attorney; Kevin Toolin, Engineer; and Lou Gartz, Auditor. After all concerns were satisfied, Council proceeded to take action on Res. #269-95 and Res. #270-95. Such resolutions were introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 269-95

TOWNSHIP RESOLUTION TO SERVICE CONTRACT

WHEREAS, the Western Monmouth Utilities Authority "Authority") has determined to improve the Authority's sanitary sewer system by the modification of the electrical system and control system to the raw sewage pump station, together with other purposes necessary appurtenant and incidental therefore (the "Fifth Project"); and

WHEREAS, the Authority has requested the Townships of Manalapan ("Manalapan") and Marlboro ("Marlboro'") (collectively referred to as the "Participants") to approve the Fifth 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 one million seven hundred thousand dollars (\$1,700,000); 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 Fifth 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. 3 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. 3 and to deliver the same.

SECTION 2. This Resolution shall take effect immediately.

RESOLUTION # 270-95

RESOLUTION OF THE TOWNSHIP OF MARLBORO, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE WESTERN MONMOUTH UTILITIES AUTHORITY REVENUE REFUNDING BONDS, SERIES 1995 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 Western Monmouth Utilities Authority ("Authority") has determined to improve the Authority's sanitary sewer system by the modification of the electrical system and control system to the raw sewage pump station, together with other purposes necessary, appurtenant and incidental thereto (the "Fifth Project"); and

WHEREAS, the Authority has requested the Townships of Manalapan ("Manalapan") and Marlboro ("Marlboro") (collectively referred to as the "Participants") to approve the Fifth 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 one million seven hundred thousand dollars (\$ 1,700,000) (the "Bonds"); and

WHEREAS, in connection therewith it is necessary to have the Participants to satisfy the ongoing disclosure provisions of Rule 15 c 2-12 promulgated by the Securities and Exchange Commission (the "Continuing Disclosure Agreement") in connection with the disclosure document to be issued by the Authority and to have the Participants execute various other documents and certificates.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MARLBORO AS FOLLOWS:

SECTION 1. That the Continuing Disclosure Agreement, in the form presented to this meeting, be and the same is hereby approved, and any member or officer of the Municipality (an "Authorized Municipal Representative") is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same, 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 for carrying out the sale, issuance and delivery of the Bonds, 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.

Council then took a 10-minute recess.

Council then discussed Item 3 (Stop Sign - Rosen Drive/Burrows Lane/Dumpster Permit Ordinance). Mayor Scannapieco informed Council that the residents of the Willow Pointe development have serious safety concerns regarding traffic, as Rosen Drive is being used as a short cut to Marlboro Plaza. Eugene Bleier - 12 Rosen Drive - representing the 33 families in the Willow Pointe development - thanked the Mayor and Planning Board for their help, and asked that whatever measures are allowed should be taken in order to alleviate the situation. Mayor Scannapieco stated that crosswalks and additional signs were installed. Lt. Schick, of Traffic & Safety, was present to answer Council's questions. He stated that radar will be set up, as soon as the issue of the street dedication ordinance is resolved with DOT. Council was polled, and all were in agreement to proceed with the ordinance for the stop sign. Lt. Schick will work with the Township Attorney and Township Engineer David Birnbaum to draft this ordinance. Action will be taken when the ordinance is finalized. Regarding the dumpster ordinance, Lt. Schick stated that there has been a problem with dumpsters in front of private residences, and that this ordinance would be a way to assure that they are clearly marked and placed properly. Council agreed, and will take action when the ordinance has been prepared. Council President Broderick asked that Lt. Schick find out what surrounding towns are charging for the permit, and to set the fee accordingly.

Regarding Item 4 (Elimination of Passing Zone on Ryan Road (Opposite area adjacent to Nursery), Lt. Schick stated that such location is quite dangerous, and it was Council's consensus to proceed with adoption of an ordinance. Action will be taken when the ordinance is finalized. Councilman Friedman asked if the current speed limit (50 MPH) can be reduced at this time. Lt. Schick responded that a speed survey would have to be conducted by DOT, which cannot commence until all construction on Ryan Road is finished.

At 10:00 P.M., Council Vice President Colarusso moved that the meeting go into Closed Session for the purposes of discussing litigation. This was seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 28th day of September, 1995 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 20 minutes. Those items discussed in executive

session shall remain confidential until such time as confidentiality is no longer required.

At 10:20 PM, Councilman Metzger moved that the executive session be opened. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Broderick opened the Public Hearing on Ord. #35-95 (Amending Chapter 84 - Section 127C). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #256-95/Ord. #35-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #256-95

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

ORDINANCE # 35-95

AN ORDINANCE AMENDING CHAPTER 84,  
SECTION 127C OF THE CODE OF THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency.

Council President Broderick opened the Public Hearing on Ord. #36-95 (Title 39 - Pointe de Jardin). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #257-95/Ord. #36-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 257-95

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

ORDINANCE # 36-95

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE  
ONE OF TITLE 39 OF REVISED STATUTES OF NEW JERSEY APPLICABLE  
TO POINTE DE JARDIN 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 Broderick opened the Public Hearing on Ord. #37-95 (Ordinance Revision Ord. #19-92 - Exclusive Plaza). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #258-95/Ord. #37-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Council President Broderick, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 258-95

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

ORDINANCE # 37-95

AN ORDINANCE REVISING ORDINANCE NO. 19-92  
REGARDING PARKING REGULATIONS AT THE  
EXCLUSIVE PLAZA COMMUTER PARKING LOT

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

The following Resolutions were introduced by reference, offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot: Res. #259-95 (Urging the Dept. of the Interior to Upgrade & Make Permanent the Bridge to Ellis Island), Res. #260-95 (General Comments and Recommendations - 1994 Audit), Res. #261-95 (Granting - Widow of Veteran Deduction - Block 386, Lot 44 - 29 Landsdale Drive), Res. #262-95 - Senior Citizen Deduction - Block 170, Lot 13 - 67 Harbor Road), Res. #263-95 (Redemption Tax Sale Certs - (Various), Res. #264-95 (Refund of Duplicate Payments - Various), Res. #265-95 (Tax Court Judgment Refunds - Various), Res. #266-95 (Supporting Transportation Trust Fund Constitutional Amendment), Res. #267-95 (Renewal - Joint Insurance Fund), Res. #268-95 (Renewal - Municipal Excess Liability Joint Insurance Fund), Res. #271-95 (Waiver of Fees - Solomon Schechter), Res. #272-95 (Change Order - Library Construction), Res. #273-95 (Cash Bond Release - Marlboro Meadows South - \$26,149.40), Res. #274-95 (Cash Bond Release - Soil Removal - Marlboro Meadows South - \$7,500), Res. #275-95 (Bond Release - Calton Homes, Inc. - Road Restoration), Res. #276-95 (Award of Bid: Conversion to Natural Gas - Milor - \$73,613), Res. #277-95 (Award of Bid: Award of Bid: Emergency Vehicle - \$100,000).

RESOLUTION # 259-95RESOLUTION URGING THE DEPARTMENT OF THE INTERIOR  
TO UPGRADE AND MAKE PERMANENT THE BRIDGE TO ELLIS ISLAND

WHEREAS, in 1985, the National Park Service constructed a bridge between Ellis Island and Jersey City to permit construction equipment access to renovate and restore Ellis Island; and

WHEREAS, in 1994, Congress earmarked \$15 million of Federal Highway Administration funds to replace the existing structure with a new bridge; and

WHEREAS, in January 1994, the North Jersey Transportation Planning Authority, Inc. (NJTPA), the Metropolitan Planning Organization (MPO) responsible for implementing federal transportation planning policy, adopted Resolution No. 386 to use the \$15 million earmarked appropriation as follows: \$1 million in FY 1994 to complete the Draft Environmental Impact Statement (DEIS), and \$14 million in FY 1996 for construction of a new bridge; and

WHEREAS, on July 13, 1995, the \$15 million earmarked appropriation for the full replacement of the Ellis Island bridge was rescinded by the Congress of the United States; and

WHEREAS, the National Park Service's position is that the congressional rescission of the \$15 million earmarked for Ellis Island precludes the completion and release of the DEIS for public comment and review; and

WHEREAS, the DEIS, funded by \$1 million of public money, was near completion and awaiting release just prior to the congressional rescission; and

WHEREAS, New Jersey congressional delegation supports an amendment to the U.S. Department of the Interior's annual appropriation which prohibits using federal funds to demolish the bridge between Jersey City and Ellis Island; and also permits pedestrians to use the bridge as long as it is determined to be safe; and

WHEREAS, the NJTPA will provide \$100,000 in Surface Transportation program (STF) funding in FY 1996 in order to allow the National Park Service to complete and release the DEIS for public comment and review; and

WHEREAS, the NJTPA fully expects the DEIS released for public comment will select, as the preferred alternative, the restoration of the existing structure; and

WHEREAS, based on available engineering estimates, the NYTPA will commit \$2 million in FY 1997 STP funds to upgrade and make

permanent the existing structure according to acceptable safety standards for pedestrian and emergency vehicle access; and

WHEREAS, the Monmouth County Board of Freeholders feels strongly that Ellis Island and the immigration museum located there should be accessible as a major tourist attraction to all of the citizens of Monmouth County and New Jersey; and

WHEREAS, the Board also feels that Ellis Island symbolizes our nation as a land of opportunity and further feels that nobody should be denied the opportunity to visit Ellis Island because it is too costly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Monmouth that the National Park Service is strongly urged to take all necessary steps to upgrade and make permanent the Ellis Island bridge.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to:

U. S. Senators Bill Bradley and Frank Lautenberg

Governor Christine Todd Whitman

The Congressional Delegation representing the State of New Jersey

The North Jersey Transportation Planning Authority

The Metropolitan Planning Organization

The City of Newark

The City of Jersey City

The Port Authority of New York and New Jersey

New Jersey Transit

RESOLUTION # 260-95

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 1994 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, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local 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.

RESOLUTION # 261-95

WHEREAS, a widow of a Veteran deduction in the amount of \$50.00 has been granted for the year 1995 on Block 386 Lot 44, located at 29 Lansdale Drive, assessed to Catherine Trani,

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 # 262-95

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 1995 for Block 170 Lot 13, located at 67 Harbor Road, assessed to Daniel & Marie Moretti,

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 # 263-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$126,719.36 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 \$126,719.36 be refunded to the certificate holders as per Schedule "A".

## SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
93-26 Marseille Terrace	153/111	Jerome J. Bruder	\$ 14,733.39
93-67 Cannonade Drive West	403/1	Carol L. Baron, Trustee	3,417.29
94-71 Cannonade Drive West	403/1	Laura N. Baron	565.80
94-40 Yellowbrook Road	365/3	Funds of Florida-Custodian for D.H. Associates	10,679.10

95-5	111/31	Gregory Komin	301.97
	Greenwood Road		
95-16	157/45	P & A Investments, L.L.C.	4,869.02
	Mockingbird Lane	c/o First Fidelity Bank, Custodian	
95-37	173/7/C0322	First Fidelity Collateral	3,927.64
	Harvard Place	Trustee/MDSMFD	
95-41	283/1	American Bankers Life Assurance	8,305.73
	Harvey Road	Co of Florida	
95-45	364/29.01	FUNB-As Custodian For National	1,153.01
	1 Debra Court	Tax Funding	
95-48	392/39	U.S. Municipal Tax Lien Fund,	78,278.95
	Ryan Road	Ltd.	
95-63	403/1	U.S Municipal Tax Lien Fund, Ltd.	487.46
	Cannonade Drive West		

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\$126,719.36

TOTAL \_\_\_\_\_ \$126,719.36

RESOLUTION # 264-95

WHEREAS, the attached list in the amount of \$2,134.09 known as Schedule "A", is comprised of amounts representing duplicate payments for 1995 third quarter,

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

SCHEDULE "A"

BLOCK	LOT	ASSESSED OWNER	AMOUNT
238	6	Republic Bank for Savings	945.00
	38 River Drive	One Hanson Place Brooklyn, NY 11243 Attn: Julio Bonilla Mortgage Servicing Re: Bart & Helen Acampora	
300	34	Yosi Aviva Shalon	1,189.09
	41-B Regina Road	5012 13th Avenue Brooklyn, NY 11219 (former owner)	

TOTAL ----- \$2,134.09

RESOLUTION # 265-95

WHEREAS, the Tax Court of New Jersey has granted a judgment for the year 1994 as per the attached Schedule "A",

WHEREAS the 1994 taxes has been paid in full, the Tax Collector is directed to refund the amount of \$2,476.36 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$2,476.36.

## SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	1994 REFUND
180/50 34 Eric Court	Seshagiri R. & Gulab Vuppala c/o Peter J. Zipp, Esq. Suite 2-A 215 Gordons Corner Road Englishtown, NJ 07726	\$2,476.36
AMOUNT TO BE REFUNDED: \$2,476.36		

RESOLUTION # 266-95RESOLUTION SUPPORTING TRANSPORTATION TRUST FUND  
CONSTITUTIONAL AMENDMENT

WHEREAS, a Constitutional amendment to allow dedication of a portion of the existing motor fuel tax for transportation purposes is on the November election ballot; and

WHEREAS, the Constitutional amendment will not increase the motor fuel tax; and

WHEREAS, the additional funds would be added to the Transportation Trust Fund which provides aid to local government to improve local roadways; and

WHEREAS, the Transportation Trust Fund has provided substantial aid in the past to Marlboro Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro does hereby declare its support for the aforementioned Constitutional Amendment and urges its constituents to vote favorable on the Constitutional amendment.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified to be a true copy by the Township Clerk shall be

forwarded to the Commissioner of the Department of Transportation and all Monmouth County municipalities.

RESOLUTION # 267-95

RESOLUTION FOR RENEWAL OF MEMBERSHIP  
IN THE  
MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Marlboro is a member of the Monmouth County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 1995 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be and it is hereby resolved as follows:

1. The Township of Marlboro agrees to renew its membership in the Monmouth County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

RESOLUTION # 268-95

RESOLUTION FOR THE RENEWAL OF MEMBERSHIP  
IN THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

WHEREAS, the Township of Marlboro is a member of the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 1995 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township of Marlboro agrees to renew its membership in the Municipal Excess Liability Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Municipal Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Municipal Excess Liability Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

RESOLUTION # 271-95

RESOLUTION AUTHORIZING THE WAIVER OF FEES -  
SOLOMON SCHECHTER SCHOOL

WHEREAS, the Solomon Schechter School has applied to the Marlboro Township Zoning Board of Adjustment for preliminary and final site plan approval and variance(s) to construct an addition to their currently existing facility located on School Road East; and

WHEREAS, in connection with the application for same, the Solomon Schechter School has paid \$5,012.98 in "non-refundable fees" pursuant to Section 84-14.1 of the Township Code; and

WHEREAS, the Solomon Schechter School has requested the Township to consider waiving these "non-refundable fees".

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

1. That the "non-refundable fees" paid to the Township by the Solomon Schechter School for the above application before the Zoning Board are hereby waived and shall be returned.
2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Solomon Schechter School
- b. Gerald Sonnenblick, Esq.
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Marlboro Township Zoning Board of Adjustment (Attention: Ethel)
- f. Township Attorney

RESOLUTION # 272-95

RESOLUTION AUTHORIZING A CHANGE ORDER  
TO THE CONTRACT BETWEEN THE TOWNSHIP OF  
MARLBORO AND PCM CONSTRUCTION CORP. OF NJ  
REGARDING THE ADDITION AND RENOVATIONS TO  
THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, due to unanticipated circumstances which have arisen during the construction of the addition and renovations of the Marlboro Free Public Library, the Library Trustees have recommended a Change Order to amend the contract between PCM Construction Corp. of NJ and the Township of Marlboro, in accordance with the memorandum submitted by William A. Mechmann, Chair, Library Trustees dated September 5, 1995, which is attached hereto and made a part hereof; and

WHEREAS, the proposed Change Order shall increase the amount of the original contract, which was awarded on May 27, 1993, from \$479,395.00 to \$481,765.00; and

WHEREAS, the proposed Change Order does not exceed twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township has received the recommendation of the Business Administrator to proceed with the said Change Order.

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

1. That the Township is authorized to enter into a Change Order to amend the contract with PCM Construction Corp. of NJ, the terms of which shall be in accordance with the attached memorandum from William A. Mechmann, dated September 5, 1995 regarding construction of the addition and renovations to the Marlboro Free Public Library.

2. That the Chief Financial Officer shall certify that there are sufficient funds in Bond Ordinance 29-92 to cover the amount of this Change Order.

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

- a. William A. Mechmann, Chair, Library Trustees  
Marlboro Free Public Library, One Library Court  
Marlboro, New Jersey 07746-1102
- b. PCM Construction Corp. of NJ
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

RESOLUTION # 273-95

RESOLUTION AMENDING RESOLUTION NO. 265-94  
AND AUTHORIZING THE RELEASE OF REMAINING CASH  
BOND FUNDS - MARLBORO MEADOWS SOUTH

WHEREAS, on September 22, 1994, the Township Council of the Township of Marlboro passed Resolution No. 265-94, which authorized the release of Performance Guarantees for a development known as Marlboro Meadows South; and

WHEREAS, the amount listed as the then-present cash bond amount (\$34,750.50) has been found to be incorrect; and

WHEREAS, the actual amount of the cash bond that had been posted by the developer was in the amount of \$60,899.90, indicating that an additional \$26,149.40 must now be released; and

WHEREAS, this situation is described in a memorandum dated September 9, 1995 to the Mayor and Council from the assistant Township Engineer, Dean Staknys, P.E., which is attached hereto and made a part hereof. \*SEE ATTACHED

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

1. That the remaining \$26,149.40 in cash bond funds posted for a development known as Marlboro Meadows South be and is hereby reduced to zero and released.

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

- a. Spike Builders, Inc.
- b. Township Engineer

RESOLUTION # 274-95

RESOLUTION AUTHORIZING THE RELEASE OF  
SOIL REMOVAL PERFORMANCE BOND - MARLBORO MEADOWS SOUTH

WHEREAS, the Township of Marlboro has received a request from the Developer of Marlboro Meadows South for the release of a Township held Performance Bond which was posted for soil removal in the amount of \$7,500.00; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated September 8, 1995, which recommends the release due to the fact that the work concerning the soil removal has been completed by the Developer; and

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

\*Copies 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 the Performance Bond posted by the Developer of Marlboro Meadows South for soil removal in the amount of \$7,500.00 shall be reduced to zero and released.

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

- a. Spike Builders II, Inc.
- b. Township Engineer
- c. Township Attorney

RESOLUTION # 275-95

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BOND - CALTON HOMES, INC.

WHEREAS, the Township of Marlboro is currently holding a bond in the amount of \$1,000.00 posted by Calton Homes, Inc., for the restoration of Clayton Road/Marc Drive in connection with off-site sanitary sewer work at this location; and

WHEREAS, the sewer main work has been completed and the road restoration has been found to be acceptable by the Township Engineers; and

WHEREAS, the Township Engineers have submitted a report to the Mayor and Council, dated September 8, 1995, in which they recommend that the \$1,000.00 bond now be released to the developer; and

WHEREAS, that memorandum is attached hereto and made a part hereof. \*SEE ATTACHED

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

1. That the bond posted by Calton Homes, Inc. in the amount of \$1,000.00 for restoration of Clayton Road, Marc Drive shall be reduced to zero and released.

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. Calton Homes, Inc.
- b. William F. Schultz, P.E.  
Crest Engineering Associates, Inc.
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 276-95

BE IT RESOLVED THAT:

- 1. MILOR

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Conversion to Natural Gas

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:

Milor

on their low bid of: \$73,613.

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 # 277-95

BE IT RESOLVED THAT:

- 1. PAUL VICKERY, INC.

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

Emergency Vehicle

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 Vickery, Inc.

on their low bid of: \$100,000.

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.

Council discussed Item 2 (Faxing Documents - Creating Police). As offices are getting an increasing number of requests for documents to be faxed, Council discussed creating a policy. Mayor Scannapieco was concerned how billing would be handled, if a charge should be imposed. He suggested that the League of Municipalities be contacted to find out how other towns are handling this issue.

At 10:30 PM, Council Vice President Colarusso moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: November 21, 1995

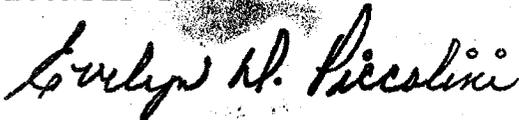
OFFERED BY: Metzger

AYES: 4

SECONDED BY: Marcus

NAYS: 0

ABSENT: Broderick



\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

October 12, 1995

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on October 12, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975 known as the Open Public Meetings Act. 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

Also present were: Mayor Scannapieco, Frederick Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini, and Deputy Clerk Alida DeGaeta.

Council President Broderick announced that the Monmouth County Dept. of Parks voted unanimously to support the concept of building a county park in Marlboro on a 375-acre parcel on Route 520, opposite Marlboro State Hospital. Governor Whitman has approved the designation of that property as surplus property which will allow the State Dept. of the Treasury to sell that property. The property was recently appraised at \$4,000,000. The State has accepted the offer of Monmouth County to purchase that property at its appraised value. The Board of Chosen Freeholders met today and voted to purchase that property for a park. He stated that both Mayor and Council are extremely pleased that this piece of property will become a recreation area for the township's residents.

Council then discussed Item 1 (Request for Sidewalk - Marlboro Greens to Clayton Road - Presentation of Petition). Victor Makhoul - 62 Aspen Avenue - Secretary of the Board of Trustees - asked that Council consider extending the sidewalk along Clayton Road to the entrance of Marlboro Greens for the safety of the residents, most of whom are senior citizens. Also, this sidewalk would benefit residents who are confined to wheelchairs.

Philip Weiss - 135 Sunnymede Street - President of the Board of Trustees - stated that this sidewalk would also be used by commuters who must walk to Union Hill Road to the bus stop. Neva Vitale - 25 Aspen Avenue - stated that it is difficult for residents to walk on the grass or in the street to get to the shopping areas. A petition with 256 signatures asking for the sidewalk was presented to the Mayor and Council. Mayor Scannapieco stated he had already contacted the developer of the Cambridge Square shopping center and he is willing to pay for the sidewalk. He had also asked the Township Engineer to contact the State, to find out about the process to obtain permits for the construction. Mayor Scannapieco was hopeful that the State would be sympathetic to this request and move the permit process quickly. Council President Broderick also pledged his support to get this sidewalk construction done as soon as possible.

The following Resolution #280-95 (Continuing Disclosure in Connection with the Issuance of Bonds by WMUA) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #280-95

RESOLUTION OF THE TOWNSHIP OF MARLBORO WITH RESPECT TO  
CONTINUING DISCLOSURE UNDERTAKING IN CONNECTION WITH THE ISSUANCE  
OF BONDS BY THE WESTERN MONMOUTH UTILITIES AUTHORITY

WHEREAS, the Western Monmouth Utilities Authority (the "Authority") will issue its Revenue Refunding Bonds, 1995 Series A and Revenue Bonds, 1995 Series B (the "Bonds") under and pursuant to Chapter 183 of the Pamphlet Laws of the State of New Jersey, as amended and supplemented and a resolution of the Authority adopted on January 3, 1995, as amended and supplemented (the "Bond Resolution"); and

WHEREAS, on November 10, 1994 the United States Securities and Exchange Commission (the "Commission") adopted its Release Number 34-34961, which amended Rule 15c2-12 (as hereinafter defined) originally adopted by the Commission on June 28, 1989; and

WHEREAS, Rule 15c2-12 provides that it is unlawful for any broker, dealer or municipal securities dealer (hereinafter, a "Participating Underwriter") to act as an underwriter for the Bonds unless the Participating Underwriter complies with the requirements of Rule 15c2-12 or is exempted from its provisions; and

WHEREAS, Rule 15c2-12 requires, among other things, that a Participating Underwriter shall not purchase or sell the Bonds unless the Participating Underwriter has reasonably determined that an "obligated person" (within the meaning of Rule 15c2-12) has undertaken, in a written Resolution for the benefit of the

Bondholders (as hereinafter defined), to provide certain information relating to such "obligated person"; and

WHEREAS, the Authority has determined that the Township is an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12 and is therefore required to cause the delivery of the information described in this Resolution to the municipal securities marketplace for the period of time specified in this Resolution; and

WHEREAS, the Township is adopting this Resolution for the benefit of Bondholders;

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. Definitions.**

Capitalized terms used herein and not otherwise defined in Section 1 have the meanings given to such terms in the preambles of this Resolution. In addition, the following words shall have the following meanings for all purposes of this Resolution:

"Annual Information" shall mean the information specified in Section 3 hereof.

"Bondholder" shall mean any registered owner of Bonds and any beneficial owner of Bonds within the meaning of Rule 13d-3 under the Securities and Exchange Act of 1934.

"Event of Default" shall have the meaning set forth in Section 801 of the Bond Resolution.

"GAAS" shall mean generally accepted auditing standards as in effect from time to time in the United States of America.

"MSRB" shall mean the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b) (1) of the Securities Exchange Act of 1934.

"Official Statement" shall mean the Official Statement of the Authority relating to the Bonds.

"Repository" shall mean each of the nationally recognized municipal securities repositories set forth in Schedule I attached hereto and any other nationally recognized municipal securities repository within the meaning of Rule 15c2-12.

"Rule 15c2-12" shall mean Rule 15c2-12 adopted by the Commission under the Securities Exchange Act of 1934, as it may be amended from time to time, including administrative or judicial interpretations thereof.

**"State Information Depository"** shall mean any public or private repository or entity hereafter designated by the State of New Jersey as a state information depository for the purposes of Rule 15c2-12.

Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, corporations, districts, agencies and bodies.

## **Section 2. Obligation to Provide Continuing Disclosure.**

(i) The Township hereby undertakes for the benefit of the Bondholders to provide or cause to be provided:

(a) to each Repository and to the State Information Depository, if any, no later than 180 days after the end of each fiscal year, commencing with the fiscal year ending after December 31, 1995, the Annual Information relating to such fiscal year, together with audited financial statements of the Township for such fiscal year if audited financial statements are then available and if audited financial statements are not then available unaudited financial statements; provided, however, that if audited financial statements are not then available, such audited financial statements, if any, shall be delivered to each Repository and to the State Information Depository, if any, when they become available; and

(b) to each Repository or to the MSRB, and to the State Information Depository, if any, in a timely manner, notice of a failure to provide any Annual Information in accordance with the provisions of clause (a) above.

(ii) Nothing herein shall be deemed to prevent the Township from disseminating any other information in addition to that required hereby in the manner set forth herein or in any other manner. If the Township disseminates any such additional information, the Township shall have no obligation to update such information or include it in any future materials disseminated pursuant to this Resolution.

## **Section 3. Annual Information.**

(i) The required Annual Information shall consist of information pertaining to the finances and operating data of the Township substantially of the type captioned as follows in Appendix B to the Official Statement:

"Township of Marlboro," "Categories of 1995 Real Estate Ratables," "Ten Largest Taxpayers and 1995 Assessed Valuations," "Largest Employers," "Statement of Indebtedness," "Capital Budget," "Overlapping Debt of Monmouth County," "Tax Levies and Collections," and "Assessed Valuations and Tax Rates."

(ii) All or any portion of the Annual Information may be incorporated in the Annual Information by cross reference to any other documents which have been filed with (A) (1) the Repositories and the State Information Depository, if any, or (2) the Commission and (B) if such document is an official statement, the MSRB.

(iii) Annual Information for any fiscal year containing any modified operating data or financial information (as contemplated by Section 7(v) hereof) for such fiscal year shall explain, in narrative form, the reasons for such modifications and the effect of such modification on the Annual Information being provided for such fiscal year. If a change in accounting principles is included in any such modification, such Annual Information shall present a comparison between the financial statements or information prepared on the basis of the modified accounting principles and those prepared on the basis of the former accounting principles.

#### **Section 4. Financial Statements.**

The Township's annual financial statements for each fiscal year shall be audited in accordance with GAAS as in effect from time to time. The Township shall prepare its financial statements on a basis of accounting prescribed by the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey pursuant to Chapter 5 of Title 40A of the New Jersey Statutes as in effect from time to time. Such financial statements shall be audited by a registered municipal accountant of the State of New Jersey or as otherwise may be permitted by then applicable law of the State of New Jersey.

#### **Section 5. Remedies.**

If the Township shall fail to comply with any provision of this Resolution, then any Bondholder may enforce, for the equal benefit and protection of all Bondholders similarly situated, by mandamus or other suit or proceeding at law or in equity, the provisions of this Resolution against the Township and any of the officers, agents and employees of the Township and may compel the Township or any such officers or employees to perform and carry out their duties under this Resolution; provided that the sole and exclusive remedy for breach of this Resolution shall be an action to compel specific performance of the obligations of the Township hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances. Failure to comply with any provision of this Resolution shall not in any manner constitute an Event of Default.

#### **Section 6. Parties in Interest.**

This Resolution is executed and delivered solely for the benefit of the Bondholders. No other person shall have any right to enforce the provisions hereof or any other rights hereunder.

### **Section 7. Amendments.**

Without the consent of any Bondholders, the Township at any time and from time to time may amend or modify the Resolution for any of the following purposes:

(i) to comply with or conform to any changes in Rule 15c2-12 (whether required or optional) which are applicable to the Bonds;

(ii) to add a dissemination agent for the information required to be provided by the Township hereunder and to make any necessary or desirable amendments or modifications in connection therewith;

(iii) to evidence the succession of another entity to the Township and the assumption by any such successor of the covenants and agreements of the Township hereunder;

(iv) to add to the covenants and agreements of the Township hereunder for the benefit of Bondholders, or to surrender any right or power conferred upon the Township by this Resolution; or

(v) to modify the contents, presentation and format of the Annual Information from time to time as a result of a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Township; provided that (1) this Resolution, as amended, would have complied with the requirements of Rule 15c2-12 at the time of the offering of the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any change in circumstances; and (2) the amendment or change does not materially impair the interest of the Bondholders, as determined either by a party unaffiliated with the Township (such as bond counsel), or by the vote or consent of Bondholders of a majority in outstanding principal amount of the Bonds affected thereby at or prior to the time of such amendment or change.

### **Section 8. Termination.**

This Resolution shall remain in full force and effect until such time as the principal of and interest on the Bonds shall have been paid in full or the Bonds shall have otherwise been paid or legally defeased pursuant to the Bond Resolution.

### **Section 9. Governing Law.**

This Resolution shall be governed by and construed in accordance with the laws of the State of New Jersey without regard to principles of conflict of laws.

### **Section 10. Severability.**

In the event any one or more of the provisions contained in this Resolution should be held invalid, illegal or unenforceable

in any respect, (i) the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby, and (ii) the Township shall engage in good faith negotiations to replace the invalid, illegal or unenforceable provisions with valid legal and enforceable provisions the effect of which comes as close as possible to that of the invalid, illegal or unenforceable provisions.

**Section 11. Headings.**

The headings of the sections of this Resolution are for convenience of reference only and shall not affect the meaning or construction of any provisions of this Resolution.

**Section 12. Authorized Officers.**

The Mayor, the Chief Financial Officer, the Township Clerk and any other proper officer of the Township 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 carrying out the transactions contemplated by this Resolution.

**Section 13. Effective Date.**

This Resolution shall take effect immediately.

The following Resolution #281-95 (Establishing a Dedication by Rider for Fees Collected under New Jersey Construction Code) was introduced by reference, offered by Council Vice President Colarusso, seconded Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #281-95

RESOLUTION ESTABLISHING A DEDICATION BY RIDER  
FOR FEES COLLECTED PURSUANT TO THE NEW JERSEY UNIFORM  
CONSTRUCTION CODE

WHEREAS, N.J.A.C. 5:23-4.17 (C) provides that fees charged pursuant to the State Uniform Construction Code shall be calculated to reasonably cover the municipal costs of enforcing the regulations; and

WHEREAS, N.J.A.C. 5:23-4 17(c)2 provides that fees collected pursuant to the Uniform Construction Code shall be appropriated in accordance with the requirements of the Uniform Construction Code Act and The Local Budget Law to be applied solely to the meet the municipal costs of enforcing the regulations; and

WHEREAS, The Township Council wishes to establish an account for fees received pursuant to the Uniform Construction Code to keep these segregated from other funds in the municipal budget in

order to facilitate the dictates of N.J.A.C.5:23-4.17(c) and N.J.A.C. 5:23-4.17(c)2 and only apply those fees to ensure that construction code revenue is only used for construction code enforcement purposes; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that:

1. Such fees received by the municipality be placed in a specific trust fund that such trust fund be considered a "dedication by Rider" to the budget of the Township of Marlboro per N.J.S.A. 40A:4-39 for the sole purpose stated above.

2. A certified copy of this Resolution is mailed to:

- a. Robert Allison, Township Auditor
- b. Sheila Fishkin, Chief Financial Officer
- c. Kenneth J. Horton, Chief,  
Bureau of Regulatory Affairs
- d. Harriet Derman, Commissioner,  
Department of Community Affairs
- e. William M. Connolly, Director,  
Department of Community Affairs

The following Resolution #278-95 (Reject and Rebid - Police Cars) was introduced by reference, offered by Councilman Friedman, and seconded by Councilman Metzger. Fred Raffetto, Esq., explained that there were three bidders, and all deviated from the specifications in material respects. Therefore, the bid could not be awarded. As there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 278-95

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

POLICE CARS

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

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

POLICE CARS

as required by law.

Action was taken on Item 5 (First Reading - Stop Sign - Rosen Drive/Burrows Lane). The following Resolution #282-95/ Ordinance #39-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 282-95

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

ORDINANCE # 39-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-45, "SCHEDULE VIII: STOP INTERSECTIONS," 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 October 26, 1995 at 7:30 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 # 39-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-45, "SCHEDULE VIII: STOP INTERSECTIONS," OF CHAPTER 138, "VEHICLES AND TRAFFIC," OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."

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

1. Section 138-45, "Schedule VIII: Stop Intersections" of Chapter 138 of the "Code of the Township of Marlboro, New Jersey" is hereby amended and supplemented to establish an additional stop intersection, which shall create a three-way stop, and a stop sign shall be installed, as follows:
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.

The following items were moved to the next meeting: Item 6 (First Reading - Requiring Permit for Dumpsters), Item 7 (Elimination of Passing Zone - Ryan Road) and Item 8 (Tax Collector Resolutions).

Good & Welfare - Mayor Scannapieco stated that perseverance has paid off with regard to the County Park as this has been worked on since 1991. Council President Broderick especially wished to thank Deputy Mayor Charles Lein for his efforts in this regard. Councilman Friedman asked that the attorney's office provide a synopsis for each ordinance, as they had previously done. Mayor Scannapieco announced that the Recreation Center will be completed shortly, and that the Recreation Dept. will be moving in by early November.

At 7:55 PM, Council Vice President Colarusso moved that the meeting be adjourned. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: November 21, 1995

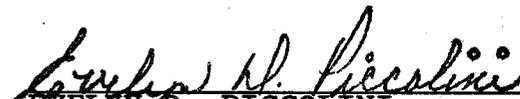
OFFERED BY: Metzger

AYES: 4

SECONDED BY: Marcus

NAYS: 0

ABSENT: Broderick

  
 \_\_\_\_\_  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

\_\_\_\_\_  
 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

November 2, 1995

The Marlboro Township Council held a regularly scheduled Council Workshop Meeting on November 2, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975 known as the Open Public Meetings Act. 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilwoman Marcus, Councilman Metzger, and Council President Broderick. Councilman Friedman was absent.

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

The following Resolution #283-95 (Commending Karatzia Children for Heroic Actions) was read by Council Liaison Steven Brody, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Friedman). The Karatzia children were presented with a framed resolution, a plaque and certificates of merit. Mayor Scannapieco, Council President Broderick and Det. Holmes each commended them.

RESOLUTION # 283-95

RESOLUTION COMMENDING THE KARATZIA  
CHILDREN FOR HEROIC ACTIONS

WHEREAS, on October 9, 1995, an intruder entered into the backyard of George and Anita Karatzia's Longfellow Terrace home in Marlboro, and thereafter traveled into the yard of the home next door and smashed a window in order to gain entry into that home; and

WHEREAS, the Karatzia children, including 18-year old Vanessa, 16-year old Christina, 14-year old Tony and 11-year old Philip observed this activity and, through a group effort, kept track of the intruder's moment-by-moment whereabouts while communicating by telephone with the police; and

WHEREAS, the quick thinking and heroic actions of Vanessa, Christina, Tony and Philip Karatzia led to the swift apprehension of this intruder by the Marlboro Township Police Department, and prevented a theft to the home next door; and

WHEREAS, it was later determined that the intruder had committed other thefts in the Township and that this individual was on the police "wanted" list; and

WHEREAS, the Mayor and Township Council wish to take this special opportunity to commend the Karatzia children for their heroic actions in leading to the apprehension and arrest of this intruder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby commend Vanessa, Christina, Tony and Philip Karatzia for their heroic efforts, and thank them for helping to maintain the safety of our community.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Karatzia children, and a copy shall be posted in a public place so that all employees and visitors to Township Hall may appreciate this special commendation.

Little League President Cliff Radisch presented Mayor and Council with a framed picture of their groundbreaking ceremony for the new ballfield. He invited everyone to the dedication which will take place on April 6, 1996. He thanked Mayor and Council for all they did to make this possible.

Steven Brody, Marlboro High School Liaison, was present to discuss several issues with the Council. Both Council President Broderick and Mayor Scannapieco stated that although town officials are limited as to what they can do regarding school property and policies, they are willing to help with services the township can provide and are happy to interact with school officials. He asked if the Township could provide officers to assist with traffic control on Saturday, for the homecoming game. Mayor Scannapieco directed Business Administrator Bob Albertson to arrange this. Mayor Scannapieco also informed the students that the township has asked for approval from the State DOT for a traffic light at the High School, and he was hopeful that the State will be sympathetic to this request. Council President Broderick suggested that a petition drive for this traffic light may be helpful in convincing the State, and Mr. Brody stated he

will get right to it. Mr. Brody then brought up the parking problem, as juniors are not allowed to drive because of the shortage of spaces. He asked why parking is not allowed on the streets surrounding the high school. Mayor Scannapieco responded there were problems with students parking on these streets during the past few years, and the residents had asked that parking be prohibited. The Mayor stated that the residents, students and Traffic & Safety would need to get together to try to address this problem. Also, the Mayor stated that he does not know the position of the Freehold Regional School Board, as to whether they have any ability to expand parking on school grounds, and will look into this further. Council President Broderick informed students that residents of Steeplechase Drive have complained about speeding through their development, and he asked that this information be brought back to the student body. Mayor Scannapieco asked that students be informed that the speed limit on all interior roads is 25 MPH. Council President Broderick asked that Steven keep in touch with Council on these issues.

Council President Broderick opened the Public Hearing on Ord. #38-95 (Authorizing Township to Acquire a Vacant Parcel of Land Located on Tennent Road and Route 18 (Block 180, Lot 14) for Open Space, Conservation and Recreational Purposes). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #284-95/Ordinance #38-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and passed on a roll call vote of 4 - 0 in favor (Absent: Friedman).

RESOLUTION # 284-95

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

ORDINANCE # 38-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO ACQUIRE A VACANT PARCEL  
OF LAND LOCATED ON TENNENT ROAD AND NEW JERSEY  
ROUTE 18 (BLOCK 180, LOT 14 ON  
THE TOWNSHIP TAX MAP) FOR OPEN SPACE,  
CONSERVATION AND RECREATIONAL PURPOSES

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

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency.

Council President Broderick opened the Public Hearing on Ord. #39-95 (Establishing a Stop Intersection on Rosen Drive and Burrows Lane). As there was no one who wished to speak, the

Public Hearing was closed. The following Resolution #285-95/ Ordinance #39-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and passed on a roll call vote of 4 - 0 in favor (Absent: Friedman).

RESOLUTION # 285-95

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

ORDINANCE # 39-95

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 138-45, "SCHEDULE VIII: STOP INTERSECTIONS," 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 #286-95/Ordinance #40-95 (Amending Chapter 84 - RSCS to R-80 Zone & Definition of Minor Subdivision) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman).

RESOLUTION # 286-95

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

ORDINANCE # 40-95

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, CONCERNING "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. 21, 1995 at 7:30 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 # 40-95

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 84, CONCERNING

**"LAND USE DEVELOPMENT AND REGULATIONS,"  
OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY."**

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

1. That Section 84-4, entitled "Definitions," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey" be amended so as to revise the definition of "Minor Subdivision" as follows:

MINOR SUBDIVISION - Any subdivision resulting in not more than ~~three-(3)~~ two (2) lots, including the remaining portion of the tract, all fronting on an existing street or streets, not involving any new street or other extension of municipal facilities or public improvements, or the installation of any street or other municipal facility or public improvements, and not adversely affecting the development of the remainder of the parcel or adjoining property and not a further subdivision of an original tract of land for which previous minor subdivision(s) constitute a major subdivision. Further, a "minor subdivision" shall not involve a planned development or the extension of any of off-tract improvement, the cost of which is to be prorated pursuant to this chapter.

2. That Subsection 84-29(B) of Article III, entitled "Zoning: Standards and Regulations," of Chapter 84, "Land Use Development and Regulations," of the "Code of the Township of Marlboro, New Jersey," be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 119, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32, and Block 120, Lots 28, 29, 30 and 31 on the Tax Map of the Township of Marlboro from the RSCS Residential District and so as to include said tax lots in the R-80 Residential District.

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 Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman): Res. #287-95 (Tax Court Judgment Refunds - Various), Res. #288-95 (Veteran Deductions - Various), and Res. #289-95 (Redemption of Tax Sale Certs. - Various).

RESOLUTION # 287-95

WHEREAS, the Tax Court of New Jersey has granted judgments for the year 1994 as per the attached Schedule "A",

WHEREAS, the 1994 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,154.00 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$3,154.00.

## SCHEDULE "A"

BLOCK/LOT	ASSESSED OWNER	REFUND
214/51.01 Boundary Road	Beekman & Missett/Lednew Realty c/o Beekman & Missett Corp. 47 Main Street P.O. Box 395 Ocean Grove, NJ 07756	857.33
360/27.04 4 Caitlin Drive	Robert D. Blau, Attorney for John Clemente Blau & Blau 55 Morris Avenue Springfield, N.J. 07081	2,296.67
		<u>\$3,154.00</u>

AMOUNT TO BE REFUNDED: \$3,154.00

RESOLUTION # 288-95

WHEREAS, Veteran deductions totaling \$100.00 have been granted as per the attached Schedule "A" for the year 1995,

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
371	162	Irwin & Dorothy Grossman 70 Peasley Drive	\$ 50.00
371	269	Murray & Shirley Shalow 51 Lakeview Drive	50.00
		TOTAL -----	\$100.00

RESOLUTION # 289-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$31,977.62 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 \$31,977.62 be refunded to the certificate holders as per Schedule "A".

## SCHEDULE "A"

LIEN NO.	BLOCK/LOT	LIEN HOLDER	AMOUNT
90-5 91-24 & 93-31 Conover Road	157/38	Carole Salkind & Sheila Brodsky	\$14,983.82
92-144 & 93-54 Rockwell Circle	206/1	Jay Raio	1,189.00
94-44 Buckley Road	417/11	Funds of Florida - Custodian for D.H. Associates	5,701.47
94-56 Rockwell Circle	206/1	Jay & Frank Raio	628.29
94-63 Gary Drive	299/57	David Plaskon	162.63
95-3 Texas Road	109/2	FUNB-As Custodian for National Tax Funding	2,567.11
95-47 Yellowbrook Road	364/60	Martin and/or Vicky Medvin	5,839.58
95-55 Hawthorne Place	178/2/C0479	U.S. Municipal Tax Lien Fund, Ltd.	451.31
95-57 Gary Drive	299/57	P & A Investments, L.L.C. First Fidelity Bank, Custodian	454.41

TOTAL ----- \$31,977.62

The following Resolution #290-95 (Person to Person Transfer Liquor License - Marlboro Liquors/Buy Rite to Devraj, Inc. 1328-44-001-005) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman).

RESOLUTION # 290-95

RESOLUTION OF THE COUNCIL OF THE  
TOWNSHIP OF MARLBORO APPROVING  
PERSON-TO-PERSON TRANSFER OF  
PRCL NO. 1328-44-001-004

WHEREAS, the Township Council of the Township of Marlboro has received a 12-page application for the person to person transfer of Plenary Retail Consumption License No. 1328-44-001-004 from Genovese/Marlboro Liquor Buy-Rite to Devraj, Inc.; and

WHEREAS, Devraj, Inc. is represented by Douglas J. Widman, Esq.; and

WHEREAS, this matter has been referred to DST Brian Hall of the Township of Marlboro, Division of Police for a full investigation as required by law; and

WHEREAS, DST Brian Hall takes no issue with the person-to-person transfer of the subject license to Devraj, Inc.; and

WHEREAS, the prospective transferee, Devraj, Inc. has paid all applicable fees and has otherwise complied with all applicable statutes, regulations and ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro County of Monmouth and State of New Jersey that Plenary Retail Consumption License No. 1328-44-001-004 be and is hereby approved for person-to-person transfer from Genovese/Marlboro Liquor Buy-Rite to Devraj, Inc.

BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution be provided to the following:

- a. Douglas J. Widman, Esq.
- b. New Jersey Division of Alcoholic Beverage Control
- c. DST Brian Hall
- d. John O. Bennett, III

At 8:20 P.M., Councilman Metzger moved that the meeting go into Closed Session for the purposes of discussing litigation.

This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot on the following resolution.

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 2nd day of November, 1995 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 20 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:40 PM, Council Vice President Colarusso moved that the Closed Session be opened. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Friedman).

Mayor Scannapieco discussed the snow removal bid with Council, stating that it may be necessary to have a special meeting to rebid, or it may be awarded at the next meeting. Mr. Raffetto will advise.

At 8:50 PM, Council President Broderick moved that the meeting be adjourned. This was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: December 14, 1995

OFFERED BY:	Colarusso	AYES:	5
SECONDED BY:	Marcus	NAYS:	0

  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

  
 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

November 21, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on November 21, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Colarusso announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975 known as the Open Public Meetings Act. 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus and Councilman Metzger. Council President Broderick was absent.

Also present were: Fred Raffetto, Esq., Business Administrator Bob Albertson, Municipal Clerk Evelyn Piccolini, and Deputy Clerk Alida DeGaeta.

Administrative Report - Mayor Scannapieco wished everyone a Happy Thanksgiving holiday. He announced that Chief Stover will be sworn in on Saturday, Nov. 25th, at 12 Noon in the Town Hall and he invited everyone to attend. The Mayor acknowledged a letter he received from the Pointe de Jardin condominium assn. thanking town officials for the contributions that were made that enabled the tot lot to be constructed. Mayor Scannapieco informed Council that he had received an invitation from the Howell Township Board of Education to attend a forum on November 29th to discuss the issue of courtesy busing and its impact on the 1996-97 school budgets. Anyone on Council who wishes to attend may do so. The Mayor also stated that Marlboro has been awarded a total of \$1,222,731 in Hazardous Discharge Site Remediation Fund grants for remediation of several properties in Marlboro. Schoor De Palma, who prepared the grant at no cost, will be awarded the contract to do the remedial investigation.

Council Speaks Out - Councilman Metzger congratulated Council President Broderick and Bill Friedman on winning the election. He also stated that arguments regarding the need for a new school or schools should be kept out of the newspapers, and the opinion of professionals who study demographics should be

followed. Council Vice President Colarusso thanked Councilman-elect Bill Friedman for attending the meeting.

Citizen's Voice - Ross Ninger - 5 Newport Road, Marlboro - member of the Marlboro First Aid Squad, stated that the word "directly" should have been added to the sentence, "Unlike other volunteer agencies, we are not funded . . ." He stated that this was an unfortunate omission, but was not meant to give the impression that the township does not help the squad. When he was at town hall yesterday, it was mentioned to him that this letter was insulting. He stated it was not meant to be, that the township is generous to both its first aid squads and that the letter was not meant to insult anyone. Mayor Scannapieco reiterated his support for the first aid squads, and thanked them for all they do for the residents. Councilwoman Marcus voiced Council's support for the first aid squads, and thanked them for their caring and concern. Carol Majonis - 5 Algonquin Drive - President of the Board of Education - responded that the numbers of anticipated enrollment are excessively high. However, the Board has not made any decision, nor has Dr. Foley made any recommendations about any new construction. The Board is now in the preliminary stages of reviewing this matter, and all options are open. Mrs. Majonis stated that Mayor Scannapieco and Council President Broderick have been exceptionally helpful in trying to help the Board find suitable property, and both of them continue to make every effort to save the taxpayers the cost of purchasing land. She thanked the Mayor and Council for their help and cooperation with the Board.

Councilman Metzger moved that the minutes of Sept. 28 and Oct. 12, 1995 be approved. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

Council Vice President Colarusso opened the Public Hearing on Ord. #40-95 (RSCS to R-80 Zone & Definition of Minor Subdivision). Richard Sevrin, Esq. - representing Morris Schechter, stated that his client is against this rezoning, and asked that Council reconsider this ordinance. He stated that the proposed ordinance decreases the density tenfold, and is inconsistent with the neighboring zoning. He asked that Council consider some other alternative, and table this ordinance. Satish Sharma - 336 Texas Road - was also opposed to this ordinance, as it adversely affects his property value. He felt it was unfair, and asked that Council table the ordinance. Debbie Petrizzo - 332 Texas Road - also asked that the zoning be left as it is. Todd Cohen, Esq. - representing Michael Prince, whose property is part of the rezoning - also stated that his client objects, as he also felt it is not consistent with surrounding zoning. As there was no one else who wished to speak, the Public Hearing was closed. Council discussion followed.

Councilman Friedman asked about the 45-day period for appeal. Mr. Raffetto stated that a lawsuit may be filed during that period of time, if an affected party so wishes. Council took a 5-minute recess. Council then resumed discussion, all agreeing that further discussion with those objecting should take place before proceeding to take action. Councilman Friedman moved that Res. #291-95/Ord. #40-95 be tabled. This was seconded by Councilman Metzger, and motion to table was passed on a roll call vote of 4 - 0 in favor (Absent: Broderick). This was tabled to Dec. 14th, to give both parties time to meet so that this matter may be resolved. Councilwoman Marcus and Councilman Metzger will attend such meeting on behalf of Council.

The following Resolution #292-95 (Authorizing Open Public Sale/Commuter Lot - Exclusive Plaza) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 292-95

RESOLUTION AUTHORIZING THE SALE OF AN  
EASEMENT ACROSS BLOCK 299, LOT 20 IN THE  
TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY, AT OPEN PUBLIC SALE

WHEREAS, the Township of Marlboro is the record owner of Block 229, Lot 20 on the Tax Map of the Township (hereinafter referred to as "the property"), which is located on Union Hill Road near the intersection with Route 9; and

WHEREAS, the property is currently used as a commuter parking lot by residents of the community; and

WHEREAS, the property is located adjacent to the Exclusive Plaza shopping center (Block 299, Lot 1 on the Township Tax Map), which is the site of another commuter parking lot used by residents of the community; and

WHEREAS, the Mayor and Township Council have determine that it would be advantageous for the public to gain access to the Exclusive Plaza commuter parking lot through the Township owned property; and

WHEREAS, in order to effectuate such access, the Mayor and Township Council wish to authorize the sale of an easement across the Township property by open public sale to the highest bidder, pursuant to the Local Lands and Buildings Law, N.J.S.A.40A: 12-1, et seq.; and

WHEREAS, the exact location and dimensions of the easement shall be in accordance with a drawing and description prepared by the Assistant Municipal Engineer, Dean Staknys, P.E., which is on

file in the office of the Municipal Clerk and may be reviewed during the regular business hours of the Township.

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

1. That an easement across Block 299, Lot 20 on the Tax Map of the Township of Marlboro, County of Monmouth, State of New Jersey, located off of Union Hill Road near Route 9, as more particularly described above, shall be offered at open public sale to the highest bidder in accordance with N.J.S.A. 40A:12-1, et seq.

2. That use of the easement area shall be restricted to providing access from Union Hill Road to the Exclusive Plaza Mall parking area.

3. That the duration of the easement shall be for a period of one year, with the right to renew for longer periods at the discretion of the Township, which shall be determined within thirty (30) days prior to the conclusion of the initial one year period.

4. That the minimum price for bidding shall be \$4,000.00.

5. That all bids shall be directed to the attention of the Marlboro Township Business Administrator, Robert J. Albertson, and that each bidder shall provide a deposit of ten percent (10%) of the bid price along with its bid.

6. That the time for submitting bids shall expire thirty (30) days from the adoption of this Resolution.

7. That, subject to the Township's right to reject all bids (see number 12 below), the easement shall be awarded to the highest bidder in excess of the minimum bid price, which award shall be confirmed by the Township Council.

8. That full payment for the easement shall be made no later than thirty (30) days after the Township Council's confirmation of the award.

9. That this sale shall be advertised in the Asbury Park Press newspaper by two (2) insertions at least once a week during two (2) consecutive weeks.

10. That a certified copy of this Resolution shall be posted in the municipal building.

11. That the Mayor is hereby authorized to execute and the Township Clerk to attest any necessary documents that will be required to effectuate this conveyance once an award has been made.

12. That the Township reserves the right to reject any and all bids that are submitted at its sole discretion.

The following Resolution #293-95 (Change Order - Library - Increase \$369.81) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 293-95

RESOLUTION AUTHORIZING A CHANGE ORDER  
TO THE CONTRACT BETWEEN THE TOWNSHIP OF  
MARLBORO AND TRI-PLEX INDUSTRIES, INC.,  
REGARDING THE ADDITION AND RENOVATIONS TO  
THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, near the completion of construction of the addition and renovations to the Marlboro Free Public Library, certain unanticipated problems occurred, specifically involving the interior emergency lighting system and the building exterior lighting system, necessitating the Library Board of Trustees to recommend a Change Order; and

WHEREAS, the Library Trustees have further recommended a small design change in the electrical system for the installation of switches and wiring for a screen in the ceiling to roll down for presentation of programs to adults and children, requiring a further Change Order; and

WHEREAS, these requests are more specifically set forth in a memorandum submitted by William A. Mechmann, Chair, Library Trustees, dated October 31, 1995, which is attached hereto and made a part hereof; and

WHEREAS, the proposed Change Orders shall increase the amount of the original contract, which was awarded on May 27, 1993, from \$69,300.00 to \$69,669.51, resulting in a net change of \$369.81; and

WHEREAS, the proposed Change Orders do not exceed the twenty percent (20%) limitation imposed by law; and

WHEREAS, the Township Council of the Township of Marlboro has received the recommendation of the Business Administrator to proceed with the said Change Orders.

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

1. That the Township is authorized to enter into Change Orders to amend the contract with Tri-Plex Industries, Inc., the terms of which shall be in accordance with the above-referenced

memorandum from William A. Mechmann, which is attached hereto, regarding construction of the addition and renovations to the Marlboro Free Public Library. \*SEE ATTACHED

2. That the Chief Financial Officer shall certify that there are sufficient funds to cover the amount of these Change Orders.

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

- a. William A. Mechmann, Chair  
Library Trustees  
Marlboro Free Public Library  
One Library Court  
Marlboro, NJ 07746-1102
- b. Tri-Plex Industries, Inc.  
933 Route 9  
South Amboy, NJ 08879
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

The following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick): Res. #294-95 (Bond Reduction - Triangle Hills), Res. #295-95 (Bond Release - Ryan Meadows North), Res. #296-96 (Bond Release - Bell Atlantic).

RESOLUTION # 294-95

RESOLUTION AUTHORIZING THE REDUCTION OF  
PERFORMANCE BONDS - TRIANGLE HILLS

WHEREAS, the Township of Marlboro has received a request for the reduction of Township held Performance Bonds for a development known as Triangle Hills; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated November 3, 1995, which is attached hereto; and  
\*SEE ATTACHED

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

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above Performance Bonds.

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

1. That the Performance Bond for a development known as Triangle Hills, in the present amount of \$423,122.00, shall be reduced by \$165,526.00, representing a 39% reduction from the original bonded amount, so that the amount to remain shall be \$257,596.00, representing 61% of the original bonded amount.

2. That the Cash Bond for a development known as Triangle Hills, in the present amount of \$47,014.00, shall be reduced by \$18,392.00, representing a 39% reduction from the original bonded amount, so that the amount to remain shall be \$28,622.00, representing 61 % of the original bonded amount.

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

- a. Square One Realty Corp.
- b. International Fidelity Insurance Company
- c. Township Engineer

RESOLUTION # 295-95

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BONDS - RYAN MEADOWS NORTH, SECTIONS 1, 2 AND 3

WHEREAS, the Township of Marlboro has received a request for the release of Township held Performance Bonds for a development known as Ryan Meadows North, Sections 1, 2 and 3; 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 inspections for this project, dated November 6, 1995, which has been approved by the Township Engineers as evidenced by their memorandum of November 9, 1995, both of which are attached hereto; and  
\*SEE ATTACHED

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above Performance Bonds.

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

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

1. That the Performance Bond for a development known as Ryan Meadows North, Section 1, in the present amount of \$209,74.00, shall be reduced to zero and released.

2. That the Cash Bond for a development known as Ryan Meadows North, Section 1, in the present amount of \$18,829.00, shall be reduced to zero and released.

3. That the Performance Bond for a development known as Ryan Meadows North, Section 2, in the present amount of \$179,734.00, shall be reduced to zero and released.

4. That the Cash Bond for a development known as Ryan Meadows North, Section 2, in the present amount of \$19,970.00, shall be reduced to zero and released.

5. That the Performance Bond for a development known as Ryan Meadows North, Section 3, in the present amount of \$147,881.00, shall be reduced to zero and released.

6. That the Cash Bond for a development known as Ryan Meadows North, Section 3, in the present amount of \$16,432.00, shall be reduced to zero and released.

7. That all of the above bond releases are conditioned upon the following:

a. The posting of acceptable two-year maintenance guarantees with the Township as follows:

Section 1 - \$94,145.00

Section 2 - \$95,106.00

Section 3 - \$83,117.00; and

b. Receipt of a final release letter from Freehold Soil Conservation District for Sections 1, 2 and 3; and

c. The final acceptance by T & M Associates of the as-built drawings for the development.

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

a. Ryan Meadows North, Inc. and Joseph Wilf

b. Westchester Fire Insurance Company

- c. Charles J. Rooney, P.E., P.P.  
T & M Associates  
11 Tindall Road  
Middletown, N.J. 07748
- d. Township Engineer
- e. Township Attorney

RESOLUTION # 296-95

RESOLUTION AUTHORIZING THE RELEASE OF  
PERFORMANCE BONDS - BELL ATLANTIC

WHEREAS, the Township of Marlboro has received a request from Bell Atlantic of New Jersey for the release of Township held Performance Bonds which were posted in connection with site work associated with two CEV vaults installed within the Township; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineers, dated November 7, 1995, which recommends this release; and

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

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

1. That the Performance Bond posted by Bell Atlantic of New Jersey (formerly N.J. Bell) regarding the site work associated with the CEV vault installed at Route 520 at the Penn Federal Bank, in the amount of \$912.00, shall be reduced to zero and released.

2. That the Cash Bond posted by Bell Atlantic of New Jersey (formerly N.J. Bell) regarding the site work associated with the CEV vault installed at Route 520 at the Penn Federal Bank, in the amount of \$143.00, shall be reduced to zero and released.

3. That the Performance Bond posted by Bell Atlantic of New Jersey (formerly N.J. Bell) regarding the site work associated with the CEV vault installed at Wyncrest Road east of Route 520, in the amount of \$3,415.00, shall be reduced to zero and released.

4. That the Cash Bond posted by Bell Atlantic of New Jersey (formerly N.J. Bell) regarding the site work associated with the CEV vault installed at Wyncrest Road east of Route 520, in the amount of \$537.00, shall be reduced to zero and released.

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

5. That this release is subject to and conditioned upon the following:

a. The posting of a two-year Maintenance Bond in the amount of \$152.00 for the Route 520 at Penn Federal Bank site; and

b. The posting of a two-year Maintenance Bond in the amount of \$569.00 for the Wyncrest Road East of Route 520 site; and

c. The payment of \$600.00 to cover backcharge inspection fees incurred during construction of the two sites; and

d. The satisfactory addressing of the bottom of the chainlink fence at the Wyncrest Road East of Route 520 site, as per item #3 in the attached report; and

e. Final certification from the Freehold Soil Conservation District.

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

- a. Bell Atlantic of New Jersey
- b. Township Engineer
- c. Township Attorney

The following Resolution #297-95 (Transfer) was introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick).

RESOLUTION # 297-95

WHEREAS, certain appropriations in the 1995 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:

TAX COLLECTOR S&W	10,000.00
CONSTRUCTION CODE S&W	10,000.00
EQUIPMENT MAINTENANCE S&W	12,000.00

PUBLIC ASSISTANCE O/E	3,000.00
SANITATION S&W	7,325.00
POLICE S&W	10,000.00
RECREATION S&W	<u>12,000.00</u>

Total \$64,325.00

## TO:

FINANCE S & W	1,800.00
TAX ASSESSOR S&W	500.00
ENGINEERING S&W	10,000.00
PLANNING BOARD S&W	500.00
HIGHWAY SAFETY S&W	1,100.00
PUBLIC ASSISTANCE S&W	925.00
FINANCE O/E	1,000.00
TAX COLLECTOR O/E	2,000.00
LEGAL O/E	16,000.00
CONSTRUCTION CODE O/E	3,500.00
POLICE O/E	15,000.00
RECREATION O/E	<u>12,000.00</u>

Total \$64,325.00

The following Resolutions were introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick): Res. #298-95 - Disabled Person Deduction - Block 244, Lot 6), Res. #299-95 (Veteran Deduction - Block 129, Lot 10), Res. #300-95 - Senior Citizen Deduction - Block 148, Lot 19), Res. #301-95 (Tax Court Judgment - Applied to Unpaid Balance), Res. #302-95 (Refund for Overpayments - Various), Res. #303-95 (Redemption of Tax Sale Certs. - Various).

RESOLUTION # 298-95

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been granted for the year 1995 on Block 224 Lot 6, located at 42 Girard Street, assessed to Nicola and Joseph Calefato,

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

RESOLUTION # 299-95

WHEREAS, a Veteran deduction in the amount of \$50.00 has been granted for the year 1995 on Block 129, Lot 10, located at 15 Wilson Avenue, assessed to William R. & Adele Tresten,

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 # 300-95

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 1995 for Block 148 Lot 19, located at 59 Brown Road, assessed to Leona M. Boyd,

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 # 301-95

WHEREAS, the Tax Court of New Jersey has granted a Judgment for the years 1994 and 1995 as per the attached Schedule "A",

WHEREAS the 1994 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,318.77 as per the attached Schedule "A",

WHEREAS the 1995 taxes have an unpaid balance, the Tax Collector is directed to apply the amount of \$3,312.04 to this unpaid balance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$3,318.77 and to apply \$3,312.04 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	1994 <u>REFUND</u>	1995 <u>APPLY</u>
124/ 6	John F. & Rose Allocca 470 Route 79	\$3,318.77	\$3,312.04

AMOUNT TO BE REFUNDED: \$3,318.77

AMOUNT TO BE APPLIED: \$3,312.04

RESOLUTION # 302-95

WHEREAS, the attached list in the amount of \$3,312.88 known as Schedule "A", is comprised of amounts representing

duplicate payments for the 1995 third quarter,

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

SCHEDULE "A"

<u>BLOCK /LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
119.03 11 55 Petra Drive	Peter V. Nguyen & Susan H. Tran 55 Petra Drive Morganville, NJ 07751	808.36
225 70 5 Fairview Road (Former Owners)	Gary & Katherine Strack 34 Carriage Way Freehold, NJ 07728	975.06
372 18 5 Harness Lane (Former Owners)	Donald & Renee Dancer c/o Crystal Abstract (Former Owners) 1298 Forest Avenue Staten Island, NY 10302 Attn: Carol Covolus	1,529.46
		<u>\$3,312.88</u>
	TOTAL _____	\$3,312.88

RESOLUTION # 303-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$33,376.07 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 \$33,376.07 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>
93-27 Marseille Terrace	153/112	Carol L. Baron, Trustee	\$13,310.34
95-13 Mockingbird Lane	157/41	FUNB As Custodian for National Tax Funding	8,252.94
95-17 Mockingbird Lane	157/48	FUNB As Custodian for National Tax Funding	7,215.00

95-46	364/29.05	FUNB As Custodian for National	4,597.79
Debra Court		Tax Funding	<u>          </u>

\$33,376.07

TOTAL                            \$33,376.07

The following Resolutions were introduced by reference, offered by Councilwoman Marcus, seconded by Councilman Friedman, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick): Res. #304-95 (Award of Bid: Road Materials), Res. #305-95 (Award of Bid: Snow Removal) and Res. #306-95 (Award of Bid: (3) Police Cars).

RESOLUTION # 304-95

BE IT RESOLVED THAT:

1. 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:

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.

RESOLUTION # 305-95

BE IT RESOLVED THAT:

1. MARLBORO CONTRACTING INC.

be and they are determined to be the lowest bidder covering the following work, labor and/or materials:

SNOW REMOVAL

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

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:

Marlboro Contracting Inc.  
25 Mc Campbell Road,  
Holmdel, N.J. 07733

on their low bid of: \$3,326.50 per hour (31 plows).

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 # 306-95

BE IT RESOLVED THAT:

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

(3) Police Cars

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:

Warnock Automotive, Inc. d/b/a Warnock Ford  
175 Route 10, East Hanover, N.J. 07936

on their low bid of: \$55,557.00 (3 Vehicles)

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.

Mayor Scannapieco brought the Council up to date on the issue of acquisition of property for possible future construction of a school. He stated that last Thursday he held a meeting with Superintendent Foley and some members of the School Board. He presented a plan and time schedule to affect a condemnation of addition property which would be necessary in order to have that site accommodate a future school. The architect for the Board of Education will take a look at these properties, and will advise Mayor and Council on his findings. Based on Council President Broderick's concerns regarding traffic, Mayor Scannapieco has asked Traffic Engineer Michael Chasin to prepare a full traffic report on this property. The Mayor also stated that the cost of condemnation will be paid by the Board of Education. Mayor

Scannapieco stated that if at any point in time the Board of Education should deem this property not suitable, the process would cease. As it was necessary for Council to act within a certain time frame in order to be able to acquire the additional property to meet the deadline given by the Board of Education, Council proceeded to take action. The following Resolution #307-95/Ordinance #41-95 (Authorizing Township to Acquire Certain Properties or Portions thereof, by Conveyance or Condemnation for Public Educational Purposes) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Friedman, and passed on a roll call vote of 4 - 0 in favor. (Absent: Broderick).

RESOLUTION # 307-95

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

ORDINANCE # 41-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO ACQUIRE CERTAIN PROPERTIES,  
OR PORTIONS THEREOF, BY CONVEYANCE OR CONDEMNATION  
FOR PUBLIC EDUCATIONAL 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 Dec. 14, 1995 at 7:30 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 # 41-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO ACQUIRE CERTAIN PROPERTIES,  
OR PORTIONS THEREOF, BY CONVEYANCE OR CONDEMNATION  
FOR PUBLIC EDUCATIONAL PURPOSES

WHEREAS, there has been an overwhelming growth in the number of people who reside in the Township of Marlboro over the last decade; and

WHEREAS, this increase in the population of the Township has caused a burden on the Township's school system which has been struggling to accommodate all of the children who, are seeking an education through the public schools; and

WHEREAS, a parcel of property comprising approximately 26 acres and located on Route 79 near Harnley Road (Block 132, Lot 12 on the Township Tax Map) is being dedicated to the Township; and

WHEREAS, the Township and the Board of Education believe that

this property may be suitable for the location of a new elementary or middle school; and

WHEREAS, it may be necessary for the Township to also acquire one or several of the properties adjacent to Block 132, Lot 12, or portions thereof, in order to provide an adequate amount of space for the siting of this new school; and

WHEREAS, the properties which may be affected include Block 132, Lots 9, 10, 14 and 18, all of which are located off of Route 79 near Harnley Road; 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, subject to the further direction of the Township and Board of Education, 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.; any or all of the above properties, or portions thereof, which are deemed necessary for public educational purposes of the Township.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest the necessary documents to effectuate the transfer of title to any of these properties.

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

4. That this ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #308-95 (Authorizing Contract - Buchalski, Reynolds & Brodowski - Appraisal Services) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Broderick).

RESOLUTION # 308-95

RESOLUTION AUTHORIZING THE PROFESSIONAL  
APPRAISAL SERVICES OF BUCHALSKI, REYNOLDS & BRODOWSKI

WHEREAS, there exists a need for the services of a professional appraiser in order to prepare appraisal reports and provide expert testimony so as to assist the Township of Marlboro with the potential acquisition of certain properties for the location of a new school within the Township; and

WHEREAS, the properties to be evaluated may include the following: Block 132, Lots 9, 10, 14 and 18, or portions thereof; and

WHEREAS, the firm of Buchalski, Reynolds & Brodowski has submitted a proposal, on a lot by lot basis, to the Township in order to provide the necessary appraisal services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A..40A: 11 -1, et seq., authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize the firm of Buchalski, Reynolds & Brodowski to provide these services, subject to final confirmation as to the specific properties from the above list to be involved, in accordance with their proposal dated November 21, 1995, which is attached hereto and made a part hereof. \*SEE ATTACHED

NOW, THEREFORE, BE IT 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 the Township of Marlboro and Buchalski, Reynolds & Brodowski in connection with the above matters, subject to final confirmation as to the specific properties from the above list to be involved.

2. That the appraisers shall not commence their review of these properties nor incur any expenses relating thereto until such time as final confirmation is received from the Township as to the specific properties from the above list to be the subject of their evaluation.

3. That the fee for this appraisal work shall be as set forth in the attached proposal for each of the properties confirmed by the Township to be evaluated.

4. That there shall be a cap as to the expenditure on this contract in the amount of \$10,000.00 without further approval of the Township Council.

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

5. That this contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A: 11 5(1)(i) of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

6. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contact and to attach same to this Resolution.

7. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

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

- a. Michael Buchalski, MAI, ASA, CTA  
Buchalski, Reynolds & Brodowski  
400 W. Main Street, Freehold, New Jersey 07728
- b. Sheila Fishkin, Chief Financial Officer
- c. Township Attorney

At 9:20 PM, Councilman Metzger 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: Friedman).

MINUTES APPROVED: December 14, 1995

OFFERED BY: Colarusso

AYES: 5

SECONDED BY: Marcus

NAYS: 0

*Evelyn D. Piccolini*

\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

*Thomas E. Broderick*

\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL "SPECIAL" MEETING

December 4, 1995

The Marlboro Township Council held a "Special" Council Meeting on December 4, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick announced that pursuant to the provisions of the Open Public Meetings Act, notice of this special meeting has been faxed to the Asbury Park Press and the News Transcript on November 30, 1995; published in the December 2nd edition of the Asbury Park Press, 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 Friedman, Councilwoman Marcus and Councilman Metzger and Council President Broderick. Council Vice President Colarusso was absent.

Also present were: Fred Raffetto, Esq., and Deputy Clerk Alida DeGaeta.

The following Resolution #309-95/Ordinance #42-95 (Authorizing Township to Acquire Certain Easements from Properties located near Falson Lane for Stormwater Drainage Purposes) was introduced by reference, offered by Councilman Friedman, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Colarusso)

RESOLUTION # 309-95

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

ORDINANCE # 42-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE EASEMENTS FROM CERTAIN PROPERTIES LOCATED NEAR FALSON LANE (BLOCK 146, LOTS 20 AND 21 ON THE TOWNSHIP TAX MAP) FOR STORMWATER DRAINAGE PURPOSES PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

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, 1995 at 7:30 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 # 42-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO TO ACQUIRE EASEMENTS FROM CERTAIN PROPERTIES LOCATED NEAR FALSON LANE (BLOCK 146, LOTS 20 AND 21 ON THE TOWNSHIP TAX MAP) FOR STORMWATER DRAINAGE PURPOSES PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, there has been a continuing problem involving the accumulation of stormwater runoff along the northerly side of Falson Lane near a new development known as The Woods at Marlboro; and

WHEREAS, the large amount of ponding that occurs at this location is dangerous to the health, safety and welfare of the residents of the community, particularly to those who travel along Falson Lane; and

WHEREAS, the Township of Marlboro wishes to take immediate action to rectify this drainage problem prior to the winter months of 1996; and

WHEREAS, in order to resolve this condition, residents who own properties near Falson Lane have agreed to grant the Township with easements so as to facilitate the construction of stormwater drainage pipes across or into their properties in order to dispose of the excess water from Falson Lane; and

WHEREAS, the Township is authorized to acquire necessary land for public purposes by the Local Lands and Building Law, N.J.S.A. 40A: 12- 1, et seq.; and

WHEREAS, the Township Council believes that the acquisition of these easements and construction of the aforesaid drainage facilities will serve to protect the health, safety and welfare of our residents; and

WHEREAS, the costs associated with acquiring these easements shall be fully funded from the Township's Stormwater Management Fund and will not require any contribution from the taxpayers of the Township of Marlboro.

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

1. That the Township is authorized to acquire an easement to endure in perpetuity measuring approximately 15 feet in width across the southerly portion of Block 146, Lot 20 on the Marlboro Township Tax Map, which property is owned by Helen and Louis Sona, for the installation and maintenance of a stormwater drainage pipe(s) in order to transport stormwater runoff away from Falson

Lane and toward the property located at Block 146, Lot 21.

2. That the Township is authorized to expend the sum of \$5,000.00 for the acquisition of this easement, which funds shall be paid out of the Marlboro Township Stormwater Management Fund.

3. That the Township is authorized to acquire another easement to endure in perpetuity across and into Block 146, Lot 21 on the Marlboro Township Tax Map, which property is owned by Great River Corp., so as to permit the drainage of stormwater runoff onto the said property.

4. That the Township is authorized to expend the sum of \$1.00 for the acquisition of this easement.

5. That the exact dimensions of these easements shall be confirmed by the Township Engineers or their designees prior to the recording of the easements with the Monmouth County Clerk's Office and, thereafter, copies of said dimensions will be available for public inspection and review, along with the actual easement documents, in the office of the Township Clerk.

6. That the form of the easements shall be acceptable to the Township Attorney.

7. That the Mayor is authorized to execute and the Township Clerk to attest an Agreement involving all interested parties which outlines the acquisition of these easements and provides for the responsibilities of all parties as to the construction of the above-referenced stormwater drainage facilities.

8. That the Mayor is authorized to execute and the Township Clerk to attest all other necessary documents to effectuate the acquisition of the aforesaid easements and construction of the drainage improvements.

9. That all other ordinances or part of ordinance inconsistent herewith are hereby repealed.

10. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

The following Resolution #310-95/Ordinance #43-95 (Amending and Supplementing Article VIII, entitled "Department of Administration," of Chapter 4, "Administration of Government,") was introduced by reference, offered by Councilman Friedman, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Colarusso).

RESOLUTION # 310-95

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

ORDINANCE # 43-95

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VIII, ENTITLED "DEPARTMENT OF ADMINISTRATION," 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 Dec. 14, 1995 at 7:30 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 # 43-95

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VIII, ENTITLED "DEPARTMENT OF ADMINISTRATION," 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, and State of New Jersey, as follows:

1. Section 4-42, entitled "Department established; Organization," of Article VIII, entitled "Department of Administration," of Chapter 4, "Administration of Government," of the Code of the Township of Marlboro, New Jersey," is hereby amended and supplemented in the following respects (additions are shown with underline; deletions are shown with ~~strikeout~~):

**Section 4-42. Department established; Organization.**

B. No Business Administrator shall be qualified for the office unless that person possesses a bachelor's degree from an accredited college or university. In addition, no Business Administrator shall qualify unless that person has at least one of the following:

- 1) Three (3) years of paid full-time municipal, county or state experience in a governmental unit;
- 2) Comparable governmental experience whether or not that person was directly employed by a governmental unit; or
- 3) A doctorate degree in public administration, law or other relevant field of study.

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.

At 7:35 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilwoman Marcus and as there was no objection, the Clerk was asked to cast one ballot (Absent: Colarusso).

MINUTES APPROVED: JANUARY 25, 1996

OFFERED BY: METZGER

AYES: 4

SECONDED BY: MARCUS

NAYS: 0

*Evelyn D. Piccolini*

\_\_\_\_\_  
EVELYN D. PICCOLINI  
MUNICIPAL CLERK

ABSTAIN: FRIEDMAN

*Thomas E. Broderick*

\_\_\_\_\_  
THOMAS E. BRODERICK  
COUNCIL PRESIDENT

## MARLBORO TOWNSHIP COUNCIL MEETING

December 14, 1995

The Marlboro Township Council held a regularly scheduled Council Meeting on December 14, 1995 at 7:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Broderick announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975 known as the Open Public Meetings Act. 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 Star Ledger on December 19, 1994; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Colarusso, Councilman Friedman, Councilwoman Marcus, Councilman Metzger and Council President Broderick.

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

Administrative Report - Mayor Scannapieco stated that he had received a \$1,000 donation from New Horizons, who operate a group home in Marlboro. As they are a non-profit organization and are tax exempt, they wished to thank the township for their support with this donation. The Mayor also stated that he had received a letter from a resident commending Patrolwoman Janine Stima for the outstanding help and courtesy she gave before and after the First Aid squad responded. Mayor Scannapieco announced that accident statistics for the first ten months of this year have decreased from 21.9% to 15.5% for the same period last year. He thanked Traffic & Safety, the Road Dept. and also the residents for their cooperation. The Mayor also announced the dedication of the Senior Citizen Building on Texas Road, which will be held on Saturday, Dec. 16 at 4 PM.

Council Speaks Out - Council President Broderick presented Councilman Friedman with a framed resolution and plaque, as this was his last Council meeting. Mayor Scannapieco also presented a plaque and both he and Council President Broderick thanked Councilman Friedman for the dedication and caring he has shown during his term of office. Councilman Friedman thanked everyone, wished everyone well and said his good-byes.

The following Resolution was introduced by reference, offered by Council President Broderick, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION

RESOLUTION HONORING EUGENE S. FRIEDMAN FOR HIS DEDICATED  
SERVICE TO THE TOWNSHIP OF MARLBORO AS A  
COUNCILMAN AND COUNCIL PRESIDENT

WHEREAS, the Mayor and the members of the Marlboro Township Council are aware that our colleague, Eugene S. Friedman, will no longer be serving as a member of the Township Council after the conclusion of his term which expires on December 31, 1995; and

WHEREAS, over the last four years, Mr. Friedman has consistently and tirelessly fought for the best interests of the residents of the Township of Marlboro, both as Councilman and as the Council President in 1994; and

WHEREAS, throughout that time, Mr. Friedman has frequently posed thoughtful and intuitive questions on many of the topics which have come before the Council, allowing the rest of us to have a better understanding of the issues brought before us; and

WHEREAS, we will miss Mr. Friedman's intelligence, compassion and wit on the Council, but are supportive of his decision to enjoy his retirement; and

WHEREAS, the Mayor and Township Council wish to take this very special opportunity to honor Eugene S. Friedman for his dedicated service to the residents of Marlboro Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that we hereby honor and thank Eugene S. Friedman for his years of dedicated service as a member of the Marlboro Township Council and as its Council President in 1994, and that we hereby wish him the very best in his retirement.

Ron Reich, Chairman of the Freehold Center Partnership, and Fred Sanders, Business Advocate, honored several students of Marlboro High School for their participation in the Halloween window-painting contest. Certificates of participation were given to all students, and Mayor Scannapieco presented a trophy to the following winners: Emily Zimmerman, Tammy Dahan and Dana Goldberg.

Council President Broderick welcomed Councilman-elect Bill Friedman, who was in attendance.

Council liaison, Steven Brody, was also in attendance and spoke to Council. He stated that a copy of the segment of last month's Council meeting was aired on Monday, Dec. 11 on Channel 7, and an official copy will be forwarded to the Township. He stated that the Student Council of Marlboro High School would like to have a Concert to raise money for the John Mataliano Scholarship Fund, and the students wanted to find out if it would be possible to use the new Recreation Center. Mayor Scannapieco advised Steven that he should contact either Steven Dick, Chairman of the Recreation Commission or John Saffioti, Recreation Superintendent, in order to use that facility. He also suggested that he set up an appointment with Linda Sansone, to make such a presentation. The Mayor commended the students, and voiced his support.

Citizen's Voice - Pat Korabiak - Crine Road, Morganville - brought to Council's attention certain problems with the hunting map and ordinance. She stated that there have been many violations occurring across the road from her, and that nothing is done to correct the situation. She asked that it be revised and that hunting dates be put on the map. She also asked that municipal employees be informed as to the hunting regulations so that they may advise the public. After discussion, Mayor Scannapieco asked that Mr. Raffetto review all aspects of the ordinance, and that Council take action based on his recommendations.

Council Vice President Colarusso moved that the minutes of Nov. 2 and Nov. 21, 1995 be approved. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

Res. #291-95/Ord. #40-95 (Amending Chapter 84 - Upzoning from RSCS to R-80 Zone & Definition of Minor Subdivision) was then discussed. Mayor Scannapieco informed Council that a committee had been formed to review this issue. The property owners had agreed to reimburse the township for publication costs which had been received. Since progress had been made, Mayor Scannapieco recommended that Council table this ordinance. Councilman Metzger moved that Res. #291-95/Ord. #40-95 be tabled. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Broderick opened the Public Hearing on Ord. #41-95 (Authorizing Township to Acquire Certain Properties for Public Educational Purposes). Roxane Horowitz - 15 St. Lawrence Way - asked if the property is vacant and who is the property being purchased from. Mayor Scannapieco responded that the property is vacant, and that at this point, appraisals are being done with the intent to foreclose if that should be

necessary. One owner is Entron, and the other is owned by Mr. & Mrs. Citarello, who live in Yonkers. As there was no one else who wished to speak, the Public Hearing was closed. The following Resolution #311-95/Ord. #41-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 311-95

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

ORDINANCE # 41-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO ACQUIRE CERTAIN PROPERTIES,  
OR PORTIONS THEREOF, BY CONVEYANCE OR CONDEMNATION  
FOR PUBLIC EDUCATIONAL PURPOSES

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

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency.

Council President Broderick opened the Public Hearing on Ord. #42-95 (Authorizing Township to Acquire Certain Easements located near Falson Lane for Drainage Purposes). As there was no one who wished to speak, the Public Hearing was closed. Res. #312-95/Ord. #42-95 was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 312-95

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

ORDINANCE # 42-95

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MARLBORO  
TO ACQUIRE EASEMENTS FROM CERTAIN PROPERTIES LOCATED  
NEAR FALSON LANE (BLOCK 146, LOTS 20 AND 21 ON THE  
TOWNSHIP TAX MAP) FOR STORMWATER DRAINAGE PURPOSES  
PURSUANT TO N.J.S.A. 40a:12-1 ET SEQ.

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

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency.

Council President Broderick opened the Public Hearing on Ord. #43-95 (Amending and Supplementing Article VIII - "Department of Administration"). Roxane Horowitz - 15 St. Lawrence Way - asked why the change is being made. Mayor Scannapieco responded that this ordinance will broaden the qualifications for choosing a Business Administrator, after Mr. Albertson's retirement. The Mayor stated that the administration will select the individual, with advice and consent of the Council. As there was no one else who wished to speak, the Public Hearing was closed. The following Res. #313-95/Ord. #43-95 was introduced by reference, offered by Councilman Friedman, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 313-95

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

ORDINANCE # 43-95

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VIII, ENTITLED "DEPARTMENT OF ADMINISTRATION," 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.

BE IT FURTHER RESOLVED that this ordinance shall be adopted as an emergency.

The following Resolution #314-95 (Change Order - Library) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 314-95

RESOLUTION AUTHORIZING A CHANGE ORDER TO THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND TRI-PLEX INDUSTRIES, INC., REGARDING THE ADDITION AND RENOVATION TO THE MARLBORO FREE LIBRARY

WHEREAS, the architects supervising construction of the Library Addition and Renovations have issued a Certificate of Substantial Completion signed by the Electrical Contractor; and

WHEREAS, the architects have provided and approved the record drawings of the Electrical Contractor as reviewed and approved by the mechanical electrical/structural/consultant; and

WHEREAS, the Library Trustees have recommended a Change Order to decrease and amend the contract dated May 27, 1993 between Tri-Plex Industries, Inc., and the Township of Marlboro in accordance with the memorandum dated November 22, 1995 submitted by William A. Mechmann, Chair, Library Trustees, which is attached hereto and made part hereof; and

WHEREAS, the Change Order decreases the amount of the previously amended amount of the original contract by \$3,815.00 from \$69,669.51 to \$65,854.51; and

WHEREAS, the Township Council has received the recommendation of the Business Administrator to proceed with such a Change Order.

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

1. That the Township is authorized to enter into the Change Order to amend the contract with Tri-Plex Industries, Inc., the terms of which shall be in accordance with the attached memorandum from William A. Mechmann dated November 22, 1995 regarding construction of the addition and renovations to the Marlboro Free Public Library.

2. That the Chief Financial Officer shall certify, that there are sufficient funds in Bond Ordinance 2992 to cover the amount of his Change Order.

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

- a. William A. Mechmann, Chair , Library Trustees  
Marlboro Free Public Library,  
One Library Court  
Marlboro, New Jersey 07746-1102
- b. Tri-Plex Industries, Inc.  
933 Route 9  
South Amboy, New Jersey 08879
- c. Robert Albertson, Business Administrator
- d. Sheila Fishkin, Chief Financial Officer
- e. Township Attorney

The following Resolution #315-95 (Ratifying Termination of PCM) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 315-95

RESOLUTION AUTHORIZING THE TOWNSHIP  
OF MARLBORO TO TERMINATE THE EMPLOYMENT  
OF PCM CONSTRUCTION CORP. OF NEW JERSEY  
REGARDING THE MARLBORO RECREATION CENTER

WHEREAS, on July 15, 1993, the Township of Marlboro adopted Resolution No. 194-93, which awarded a contract to PCM Construction Corp. of New Jersey (hereinafter "PCM") to construct the new Marlboro Township Recreation Center; and

WHEREAS, since the awarding of the said contract, the time for final completion of the project was extended by the Township from May 31, 1994 to April 15, 1995; and

WHEREAS, as of this date, the project has still not even been substantially completed by PCM; and

WHEREAS, during the course of construction, PCM has not complied with many of the terms and conditions of the contract with the Township of Marlboro; and

WHEREAS, these violations are itemized in more detail in the attached Certification from the architect on the project, Robert W. Dill, dated November 29, 1995 which establishes that sufficient cause exists to justify termination of PCM and which is attached hereto and made a part hereof; and

WHEREAS, pursuant to Article 14.2.1 of the General Conditions for Construction, the Township now wishes to terminate the employment of PCM, and take possession of the site and arrange for the completion of the project through the most expedient method; and

WHEREAS, on November 30, 1995 the Township Business Administrator, Robert J. Albertson, notified PCM by certified mail return receipt requested, of the Township's intention to terminate PCM's employment in accordance with the terms of the contract; and

WHEREAS, the Township Council, having been aware of same, now wishes to ratify this action.

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

1. That it hereby authorizes the termination of the employment of PCM Construction Corp. of New Jersey regarding the construction of the Marlboro Township Recreation Center.

2. That the Township shall forthwith take possession of the site and arrange for the completion of the project through the most expedient method in accordance with the rights afforded to the Township under the terms of the Contract.

3. That the Township Council hereby ratifies the activity of the Township Business Administrator as to the notification served upon PCM Construction Corp of New Jersey by letter dated November 30, 1995.

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

- a. PCM Construction Corp. of New Jersey  
1358 Hooper Avenue, Suite 269  
Toms River, New Jersey 08753
- b. Republic Insurance Co.  
Attention: E.B. Williams, Jr., Esq.  
6245 East Broadway, Suite 600  
Tuscan, AZ 85711
- c. Robert W. Dill, Architect and Planner  
One Lincoln Highway, Suite 10  
Edison, New Jersey 08820
- d. Raymond Papperman, Esq.  
Vaida & Manfreda  
9 Main Street, P.O. Box 647  
Flemington, New Jersey 08822
- e. John Saffioti, Recreation Director
- f. Robert Albertson, Business Administrator

The following Resolution #316-95 (Bond Reduction Cambridge Square) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 316-95

RESOLUTION AUTHORIZING THE REDUCTION OF  
PERFORMANCE BONDS - CAMBRIDGE SQUARE

WHEREAS, the Township of Marlboro has received a request for the reduction of Township held Performance Bonds for a development known as Cambridge Square; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Maser Sosinski and Associates, the consulting engineers in charge of inspections for this project, dated October 25, 1995, which has been approved by the Township Engineers as evidenced by their memorandum of October 27, 1995, both of which are attached hereto; and

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

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above Performance Bonds.

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

1. That the Performance Bond for a development known as Cambridge Square, in the present amount of \$2,458,534.00, shall be reduced by \$1,558,534.00, representing a 63.4% reduction from the original bonded amount, so that the amount to remain shall be \$900,000.00, representing 36.6% of the original bonded amount.

2. That the Cash Bond (Letter of Credit) for a development known as Cambridge Square, in the present amount of \$273,170.00, shall be reduced by \$173,170.00, representing a 63.4% reduction from the original bonded amount, so that the amount to remain shall be \$100,000.00, representing 36.6% of the original bonded amount.

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

- a. Cambridge Square/Union Hill Nine Associates
- b. Westchester Fire Insurance Company
- c. Thomas J. Herits, P.E., P.P., P.L.S.
- d. Maser Sosinski & Associates  
30 Frenau Avenue  
Matawan, New Jersey 07747
- e. Township Engineer
- f. Township Attorney

The following Resolution #317-95 (Bond Release - Woods at Marlboro) was introduced by reference, offered by Council Vice President Colarusso and seconded by Councilman Metzger. Helen Sona - Falson Lane - stated that she has had numerous problems with drainage and with the construction of the roadway. After discussion, Mrs. Sona was satisfied that a two-year maintenance bond in the amount of \$340,673.22 would be more than sufficient to cover any outstanding problems. As there was no further discussion, the Clerk was asked to cast one ballot.

RESOLUTION # 317-95

RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE BONDS - THE WOODS AT MARLBORO

WHEREAS, the Township of Marlboro has received a request for

the release of Township held Performance Bonds for a development known as The Woods at Marlboro; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from Schoor DePalma, the consulting engineers in charge of inspections for this development, dated November 20, 1995, which has been approved by the Township Engineers as evidenced by their report of November 22, 1995; and

WHEREAS, both the reports from Schoor DePalma and the Township Engineers are attached hereto and made a part hereof; and \*SEE ATTACHED

WHEREAS, the Township Council of the Township of Marlboro now wishes to take the following action regarding the above-referenced Performance Bonds.

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 The Woods at Marlboro, Section 1, in the present amount of \$613,211.80, shall be reduced to zero and released.
2. That the Cash Bond for a development known as The Woods at Marlboro, Section 1, in the present amount of \$68,134.65, shall be reduced to zero and released.
3. That the Performance Bond for a development known as The Woods at Marlboro, Sections 2-5, in the present amount of \$254,872.98, shall be reduced to zero and released.
4. That the Cash Bond for a development known as The Woods at Marlboro, Sections 2-5, in the present amount of \$28,319.22, shall be reduced to zero and released.
5. That these releases are conditioned upon the following:
  - a. Receipt of the developer's fair share contribution toward the resolution of the drainage problems on Falson Lane as well as their resolution of the Lampinen issue, both of which are discussed in the attached engineers' reports; and
  - b. Acceptance of as-built drawings and monument certifications by Schoor De Palma; and
  - c. Receipt of a Certificate of Compliance from Freehold Soil Conservation District; and

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

- d. The posting of an acceptable two-year maintenance guarantee with the Township in the amount of \$340,673.22 for Section 1; and
- e. The posting of an acceptable two-year maintenance guarantee with the Township in the amount of \$141,596.10 for Sections 2-5; and
- f. The payment of all outstanding inspection fees that may be due to Schoor DePalma and/or the Township of Marlboro.

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

- a. K. Hovnanian at Marlboro Township, Inc.
- b. Firemen's Fund Insurance Co.
- c. Stewart Alexander, P.E., P. P., CME  
Schoor Depalma
- d. Township Engineer
- e. Township Attorney

The following Resolutions were introduced by reference, offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot: Res. #318-95 (Invalidating Tax Sale Certs. 94-73 and 95-11), Res. #319-95 (Redemption of Tax Sale Certs. - Various), Res. #320-95 (Veteran Deductions - Various), Res. #321-95 (Senior Citizen Deductions - Various), Res. #322-95 (Refund of Overpaid Amounts - Various), Res. #323-95 (Tax Court Judgment Refunds - Various) and Res. #324-95 (1994 Homestead Rebate Refunds - Various).

RESOLUTION # 318-95

RESOLUTION INVALIDATING TAX SALE  
CERTIFICATE NUMBER 94-73 AND 95-11 RELATIVE  
TO THE PROPERTY DESIGNATED AS BLOCK 147,  
LOT 13, IN THE TOWNSHIP OF MARLBORO,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, Isaac Saada, Owner of the premises known as Block 147, Lot 13, filed for Bankruptcy protection on October 26, 1992; and

WHEREAS, the Township of Marlboro sold the following tax sale certificates on the subject property:

1. TSC 94-73, sold to Breen Capital Services Corporation, in the amount of \$21,983.79;
2. TSC 95-11, sold to Breen Capital Services Corporation, in the amount of \$24,152.17;

WHEREAS, at the time of the tax sales, the Township was not aware of the fact that the subject bankruptcy was still in effect; and

WHEREAS, in light of the pending bankruptcy, the tax sale certificates should not have been sold; and

WHEREAS, in order to rectify the situation, it is necessary to invalidate the said tax sale certificates.

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

1. That municipal tax sale certificate 94-73, sold to Breen Capital Services Corporation, in the amount of \$21,983.79 is hereby invalidated.

2. That the purchase price of the aforementioned tax sale certificate (\$21,983.79), plus lawful interest, (\$5,682.81) plus expenses, (\$27.00) is heretofore to be returned to Breen Capital Services Corporation, whose address is P.O. Box 8538-206 Philadelphia, Pennsylvania, 19171-0206.

3. That municipal tax sale certificate 95-11, sold to Breen Capital Services Corporation, in the amount of \$24,152.17 is hereby invalidated.

4. That the purchase price of the aforementioned tax sale certificate (\$24,152.17), plus lawful interest, (\$1,835.56) plus expenses, (\$27.00) is heretofore to be returned to Breen Capital Services Corporation, whose address is P.O. Box 8538-206 Philadelphia, Pennsylvania, 19171-0206.

5. That taxes paid on the subject property by the tax sale certificate purchaser in the amount of \$11,571.40 (first quarter and second quarter taxes for 1994 in the amount of \$9,238.64 plus interest in the amount of \$2,332.76) is heretofore to be returned to Breen Capital Services Corporation, whose address is P.O. Box 8538-206 Philadelphia, Pennsylvania, 19171-0206.

RESOLUTION # 319-95

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$6,894.83 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 \$6,894.83 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>
92-136 E. Frances Avenue	176/98	Walter Blok	\$ 522.19
93-50 & 94-52 E. Frances Avenue	176/98	Lamar Life Insurance Co.	1,808.50
94-65 Amherst Road	350/4	Lawrence Kirsner	563.20
94-67 Windfall Lane	371/22	George Schafer, Trustee	<u>4,000.94</u>
TOTAL _____			\$6,894.83

RESOLUTION # 320-95

WHEREAS, Veteran deductions totaling \$250.00 have been granted as per the attached Schedule "A" for the year 1995,

WHEREAS, taxes for the year 1995 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"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
153	45	Pasquale & Filomena Giancaspro 135 Pleasant Valley Road	\$ 50.00
195	8	Carmin & Angela Cipoletti 8 Peach Tree Court	50.00

225	75	Jeffrey & Marilyn Schulsinger 2 Liberty Road	50.00
225	176	Howard & Sheila Dohrman 19 Mitchell Court	50.00
371	14	Thaddeus J. & Ilene Chalupski 8 Windfall Lane	<u>50.00</u>
TOTAL _____			\$250.00

RESOLUTION # 321-95

WHEREAS, Senior Citizens deductions totaling \$750.00 have been granted as per the attached schedule "A" for the year 1995,

WHEREAS, taxes for the year 1995 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
153	6	Giovanni & Maria Mancini Route 79	\$250.00
288	6	Bernard & Rita Selden 439 Union Hill Road	250.00
386	11	George V. & Anne Meller 16 Bishop Court	<u>250.00</u>
TOTAL:			\$750.00

RESOLUTION # 322-95

WHEREAS, the attached list in the amount of \$2,843.89 known as Schedule "A" is comprised of amounts representing duplicate payments for the 1995 fourth quarter,

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
173 242	7 C0242 Teasdale Pl.	James V. & Elizabeth M. DeFilippis c/o Gregg Pesciotta, Esq. 64 East Main Street Freehold, NJ 07728	\$ 659.58
178 149	2 C0149 Tanglewood Pl.	Richard Reid c/o Mehr & LaFrance 10 East Main Street Freehold, NJ 07728 (former owner)	507.77
371 1	79 Weathervane Way	Lawrence B. Sachs, Esq. Williamsburg Commons 8 G Auer Court East Brunswick, NJ 08816 Re: Scott & Roseanne Felder	1,676.54
TOTAL			\$2,843.89

RESOLUTION # 323-95

WHEREAS, the Tax Court of New Jersey have granted judgments for the years 1994 and 1995 as per the attached Schedule "A",

WHEREAS the 1994 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$11,751.41 as per the attached Schedule "A",

WHEREAS the 1995 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$15,319.93 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund \$11,751.41 for the year 1994 and to refund \$15,319.93 for the year 1995 as noted above.

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>1994 REFUND</u>	<u>1995 REFUND</u>
360 Caitlin Dr.	Robert D. Blau, Attorney for John Clemente 55 Morris Avenue Springfield, NJ 07081	---	\$2,299.52

180 50 Eric Ct.	Seshariri R. & Gulab Vuppala c/o Peter J. Zipp, Esq. Suite 2-A 215 Gordons Corner Road Englishtown, NJ 07726	---	1,254.40
360 21 Salkind Dr.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	2,192.82	2,195.55
360 22 Industrial Pl.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	2,093.81	2,096.41
360 23 Industrial Pl.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	1,243.73	1,245.27
360 24 White Rose Rd.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	1,502.13	1,504.00
360 50 Industrial Pl.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	1,572.17	1,574.12
360 51 Industrial Pl.	McCarter & English Four Gateway Center 100 Mulberry Street P.O. Box 652 Newark, NJ 07101-0652 Re: Fairway Crossing, L.L.C. NJ Corp.	1,973.06	1,975.51

360 60  
School Rd. E.

McCarter & English  
Four Gateway Center  
100 Mulberry Street  
P.O. Box 652  
Newark, NJ 07101-0652  
Re: Fairway Crossing,  
L.L.C. NJ Corp.

1,173.69 1,175.15

11,751.41 15,319.93

AMOUNT TO BE REFUNDED FOR 1994: \$11,751.41

AMOUNT TO BE REFUNDED FOR 1995: \$15,319.93

RESOLUTION # 324-95

WHEREAS, the attached list in the amount of \$1,450.00 known as schedule "A", is comprised of amounts representing the 1994 Homestead Rebate,

WHEREAS, the 1995 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$1,360.00 to these unpaid balances as per schedule "A",

WHEREAS, the owner of Block 171 Lot 31 has paid the current taxes, the Tax Collector is directed to refund the amount of \$90.00 as per attached Schedule "A"

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to apply \$1,360.00 and to refund \$90.00 to the respective Taxpayers.

The following Resolutions #325-95 (Transfer) and #326-95 (Transfer - Swim Utility) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 325-95

WHEREAS, certain appropriations in the 1995 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:

Buildings & Grounds O/E	8,000.00
Group Insurance Prem.	60,535.00
Streets & Roads O/E	<u>5,000.00</u>
Total	————— \$73,535.00

To:

Engineering S & W	15,000.00
Engineering O/E	5,000.00
Legal O/E	15,000.00
Planning Board S & W	110.00
Police O/E	15,000.00
Police S & W	20,000.00
Finance S & W	2,500.00
Library O/E	500.00
Highway Safety S & W	<u>425.00</u>
Total	————— \$73,535.00

RESOLUTION # 326-95

WHEREAS, certain appropriations in the 1995 budget have been determined to have insufficient funds for the balance of the budget year, and

WHEREAS, N.J.S.A. 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:

Swim Capital Outlay O/E	\$16,800.00
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TO:

Swim S & W	6,800.00
Swim O/E	<u>10,000.00</u>

Total	————— \$16,800.00
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The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #327-95 (Bingo License St. Gabriel's Church), Res. #328-95 (Bongo License St. Gabriel's Church Altar Rosary Society), Res. #329-95 (Raffle License St. Gabriel's Church), Res. #330-95 (Raffle License St. Gabriel's Church Altar Rosary Society).

RESOLUTION # 327-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License No. BA: 01-96 be and is hereby granted to St. Gabriel's Church, 100 Route 79, Marlboro, N. J.

BE IT FURTHER RESOLVED that games will be played each Sunday, beginning on January 7, 1996 to December 30, 1996 (except April 7, May, 12, June 16 & December 8). Games will begin at 7:30, and will be held at the Church Hall, 100 Route 79, Marlboro, N. J.

RESOLUTION # 328-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License No. BA: 02-96 be and it hereby granted to the St. Gabriel's Church Altar Rosary Society.

BE IT FURTHER RESOLVED that games will be played each Monday, beginning on January 8, 1996 to December 30, 1996 (except January 1, April 8, May 27 and September 2). Games will begin at 12 Noon, and will be held at the Church Hall, 100 Route 79, Marlboro, New Jersey.

RESOLUTION # 329-95

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # 01-96 be and it is hereby granted to St. Gabriel's Church, 100 Route 79, Marlboro, N. J.

BE IT FURTHER RESOLVED that said Raffle will be held on Sundays at 7:30 PM starting on January 7, 1996 to December 30, 1996 (except April 7, May 12, June 16 and December 8, 1996). Games to be played at the Church Hall, 100 Route 79, Marlboro, N. J.

RESOLUTION # 330-96

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # 02-96 be and it is hereby granted to St. Gabriel's Church Altar Rosary Society, 100 Route 79, Marlboro, N. J.

BE IT FURTHER RESOLVED that said Raffle will be held on Mondays at 12 Noon at the Church Hall beginning on January 8, 1996 (except January 1, April 8, May 27 and September 2). Games to be played at the Church Hall, 100 Route 79, Marlboro, N.J.

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger

and as there was no objection, the Clerk was asked to cast one ballot: Res. #331-95 (Accepting Grant from Hazardous Discharge Site Remediation Municipal Program - Drake Property, Block 136, Lots 1 & 4), Res. #332-95 (Accepting Grant from Hazardous Discharge Site Remediation Municipal Program - Block 172, Lot 37 & Block 178, Lot 299), Res. #333-95 (Accepting Grant from Hazardous Discharge Site Remediation Municipal Program - Block 103, Lots 2 & 11), Res. #334-95 (Accepting Grant from Hazardous Discharge Site Remediation Municipal Program - Block 111, Lot 15), and Res. #335-95 (Authorizing Professional Services Contract - Schoor De Palma).

RESOLUTION # 331-95

RESOLUTION ACCEPTING A GRANT FROM THE  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM  
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro has applied for and has received a grant in the amount of \$458,453.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation of the Spiro Drake Property (a/k/a Spring Valley Road Property), located at Block 146, Lots 1 & 4.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above referenced grant is hereby accepted and the Mayor and Municipal Clerk are hereby authorized to execute grant documents as the representative for the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION # 332-95

RESOLUTION ACCEPTING A GRANT FROM THE  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM  
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro has applied for and has received a grant in the amount of \$260,058.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation of the Storer properties, located at Block 172, Lot 37 & Block 178, Lot 299.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above referenced grant is hereby

accepted and the Mayor and Municipal Clerk are hereby authorized to execute grant documents as the representative for the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION # 333-95

RESOLUTION ACCEPTING A GRANT FROM THE  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM  
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro has applied for and has received a grant in the amount of \$267,570.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation of the Becker properties, located at Block 103, Lots 2 & 11.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above referenced grant is hereby accepted and the Mayor and Municipal Clerk are hereby authorized to execute grant documents as the representative for the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION # 334-95

RESOLUTION ACCEPTING A GRANT FROM THE  
HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM  
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY  
AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Marlboro has applied for and has received a grant in the amount of \$250,922.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation of the J & M Land property, located at Block 111, Lot 15.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the above referenced grant is hereby accepted and the Mayor and Municipal Clerk are hereby authorized to execute grant documents as the representative for the Township of Marlboro.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION # 335-95

RESOLUTION AUTHORIZING THE PROFESSIONAL ENGINEERING SERVICES OF SCHOOR DEPALMA

WHEREAS, pursuant to Resolution No. 198-95, adopted on June 15, 1995, the Township of Marlboro has applied for and has received grants from the Hazardous Discharge Site Remediation Fund Municipal Grant Program (hereinafter "The Fund") in order to investigate several properties within the Township which are suspected to be contaminated; and

WHEREAS, it is now necessary for the Township to retain the services of a professional engineering firm in order to perform the necessary geohydrological environmental study, investigation, sampling and reporting that will be necessary in order to evaluate the existence and extent of hazardous materials on these sites; and

WHEREAS, pursuant to Resolution No. 197-95, also adopted on June 15, 1995, the Township wishes to retain the firm of Schoor DePalma to perform the necessary work; and

WHEREAS, Schoor DePalma will perform these services at fees which have been established by The Fund, which fees will be paid directly out of the grant proceeds and shall require no cost to be borne by the taxpayers of the Township; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-1, et. seq., authorizes the awarding of contracts for "Professional Services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contracts and the contracts themselves be available for public inspection in the office of the Clerk, and that notice of the awarding of the contracts be published in a newspaper of general circulation in the municipality.

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 all necessary documents in order to retain the professional services of Schoor DePalma for the desired services as outlined above.

2. That these contracts are awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A: 11-5(1)(a)(i) of the Local Public Contracts Law of New Jersey, because the services will be performed by persons

authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. That, in accordance with the grant documents, the fees associated with the contracts shall be as follows:

- a. For the Spiro Drake properties, a/k/a Spring Valley Road property, located at Block 146, Lots 1 and 4 on the Marlboro Township Tax Map, the fee shall be: \$416,321.00.
- b. For the Becker properties, located at Block 103, Lots 2 and 11 on the Marlboro Township Tax Map, the fee shall be: \$242,791.00.
- c. For the Storer properties, located at Block 172, Lot 37 and Block 178, Lot 299 on the Marlboro Township Tax Map, the fee shall be: \$235,962.00.
- d. For the J&M Land properties, located at Block 111 Lot 15 on the Marlboro Tax Map, the fee shall be: \$227,657.00.

4. That the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for these contracts and to attach same to this Resolution.

5. That notice of the adoption of this Resolution shall be published in a Newspaper of general circulation within the Township.

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

- a. Schoor DePalma  
Attn: Miguel Salinas, C.P.S.S.  
Justin Corporate Center  
200 State Hwy 9, P.O. Box 1149  
Manalapan, NJ 07726-1149
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Robert Allison,
- e. Township Engineer
- f. Township Attorney

The following Resolution #336-95 (Amending 1995 Budget) was introduced by reference, offered by Councilman Metzger, seconded

by Councilwoman Marcus and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 336-95

RESOLUTION AUTHORIZING AN AMENDMENT TO THE 1995  
MUNICIPAL BUDGET OF MARLBORO TOWNSHIP, MONMOUTH COUNTY,  
NEW JERSEY, IN ORDER TO RECEIVE AND SPEND GRANT FUNDS  
FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND  
MUNICIPAL GRANT PROGRAM

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for any equal amount; and

WHEREAS, the Township of Marlboro wishes to amend its 1995 Municipal budget accordingly in order to authorize the receipt and future expenditure of grant funds from the Hazardous Discharge Site Remediation Fund Municipal Grant Program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, that it hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget year 1995 in the sum of \$1,237,003.00 which is now available as a revenue from: Miscellaneous Revenues;

Special Items of General Revenue Anticipated with  
Prior Written Consent of the Director of Local  
Government Services:

Public and Private Revenues Off-set with  
Appropriations:

New Jersey Economic Development Authority \$1,237,003.00

BE IT FURTHER RESOLVED that a like sum of \$1,237,003.00 be and the same is hereby appropriated under the caption of:

General Appropriations;

(A) Operations Excluded from "CAPS"

Public and Private Programs Off-set by Revenues:

Engineering Services - Other Expenses ..... \$1,237,003.00

BE IT FURTHER RESOLVED that two copies of this resolution be forwarded to the Director, Division of Local Government Services, CN 803, Trenton, NJ 08625, and that one copy be forwarded to the following:

1. Sheila Fishkin, Chief Financial Officer
2. Robert Allison, Township Auditor
3. Robert Albertson, Business Administrator
4. Township Attorney

The following Resolutions were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot: Res. #337-95 (Change of Company Name - Atlantic Sanitation/Recycling), Res. #338-95 (Increasing Cap on Professional Service Contract - Gordon), and Res. #339-95 (Authorizing Mayor and Municipal Clerk to Sign Application - Spill Compensation Fund/Imperial Oil Site).

RESOLUTION # 337-95

RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
TOWNSHIP'S RECYCLING CONTRACT WITH ATLANTIC  
SANITATION TO REFLECT A CHANGE IN THE COMPANY NAME

WHEREAS, on March 23, 1995, the Township Council passed Resolution No. 96-95, which awarded a five-year recycling contract to Atlantic Sanitation, 184 Boundary Road, Marlboro, New Jersey, 07746; and

WHEREAS, Atlantic Sanitation has requested the Township to approve an amendment to the said recycling contract, to be effective as of January 1, 1996, to change the name of the contractor from "Atlantic Sanitation" to its related entity, "Universal Processing Service"; and

WHEREAS, all other provisions of the contract previously awarded shall remain in full force and effects; and

WHEREAS, the Business Administrator has recommended that the Township Council authorize this requested amendment to the recycling contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the current five-year recycling contract with Atlantic Sanitation be amended to change the name of the contractor to "Universal Processing Service," with a mailing address of P.O. Box D, Colts Neck, New Jersey 07722.

BE IT FURTHER RESOLVED that all other terms and conditions of the contract previously awarded to Atlantic Sanitation shall remain in full force and effect.

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

1. Atlantic Sanitation, 184 Boundary Road, Marlboro, New Jersey, 07746
2. Universal Processing Service, P.O. Box D, Colts Neck, New Jersey, 07722
3. Sidney M. Leveson, 69 School Road West, Marlboro New Jersey 07746
4. Robert Albertson, Business Administrator
5. Sheila Fishkin, Chief Financial Officer
6. Township Attorney

Prior to adoption, Mayor Scannapieco advised Council that additional funds will be needed for Mr. Gordon, as he has been representing the township at various meetings. The Mayor suggested that the cap be raised to \$10,000. Councilwoman Marcus moved this amendment. The amendment was seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 338-95

RESOLUTION AUTHORIZING THE EXPENDITURE OF  
ADDITIONAL FUNDS FOR THE PROFESSIONAL LEGAL  
SERVICES OF MICHAEL GORDON, ESQ.

WHEREAS, on April 27, 1995, the Township Council passed Resolution No. 137-95, authorizing the Township to enter into a professional service contract with Michael Gordon, Esq., to provide legal services in a matter known as the Imperial Oil Site; and

WHEREAS, due to the volume of work associated with this matter, the full amount of authorized funds per Resolution No. 137-95 (\$5,000.00) has been expended; and

WHEREAS, the Township Council now wishes to authorize the expenditure of additional funds for this contract.

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

1. That the cap as to expenditure on the professional service contract between the Township of Marlboro and Michael Gordon, Esq. for the matter listed above is hereby increased by an additional \$5,000.00 from this point forward, so that the overall amount of funds which have been authorized under this contract shall be equivalent to \$10,000.00.

2. That further approval of the Township Council shall be required for any expenditures which exceed this new amount.
3. That the remainder of Resolution No. 137-95 shall remain in full force and effect.
4. That the Chief Financial Officer is directed to file a certificate of availability of sufficient funds for the services outlined above and attach same to this Resolution.
5. That this Resolution is adopted as an amendment to a previous Resolution which authorized a contract to be awarded without competitive bidding as a "professional services in accordance with N.J.S.A.40A:11-5(1)(a)(i) of the Local Public Contracts Law of New Jersey.
6. That notices of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.
7. That a certified copy of this Resolution shall be provided to each of the following:

- a. Michael Gordon, Esq.
- b. Sheila Fishkin, Chief Financial Officer
- c. Robert Albertson, Business Administrator
- d. Township Attorney

RESOLUTION # 339-95

RESOLUTION AUTHORIZING THE TOWNSHIP TO FILE AN  
APPLICATION UNDER THE SPILL COMPENSATION AND  
CONTROL ACT FOR THE IMPERIAL OIL SITE

WHEREAS, there exists a fund under the New Jersey Spill Compensation and Control Act to protect municipalities from claims relating to properties which are damaged by contamination; and

WHEREAS, the Township of Marlboro wishes to make application under the said act for protection concerning the Imperial Oil Site within the Township.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Municipal Clerk to attest an application and all necessary documents relating to this request for coverage under the above fund for the Imperial Oil Site.

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

1. Michael Gordon, Esq.  
80 Main Street  
West Orange, N.J. 07052
2. Township Attorney

The following Resolutions #340-95 (Canceling Taxes - New Jersey Conservation Foundation Property - Block 180, Lot 14) and #341-95 (Canceling Taxes - Midway Mobile Homeowner's Assn. - Block 180, Lot 14) were introduced by reference, offered by Council Vice President Colarusso, seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 340-95

RESOLUTION CANCELING OUTSTANDING TAXES ON THE  
PROPERTY OWNED BY THE NEW JERSEY CONSERVATION  
FOUNDATION AT BLOCK 180, LOT 14 ON THE  
MARLBORO TOWNSHIP TAX MAP

WHEREAS, pursuant to Ordinance No. 38-95, which was adopted by the Township Council on November 2, 1995, the Township of Marlboro is to acquire a 65-acre vacant parcel of land currently owned by the New Jersey Conservation Foundation and located at Block 180, Lot 14 on the Marlboro Township Tax Map (Tennent Road and New Jersey Route 18); and

WHEREAS, the actual conveyance of this property has not yet been consummated; and

WHEREAS, in the meantime, the fourth quarter taxes against the property, in the amount of \$3,516.98, have become due and payable to the Township; and

WHEREAS, since it was the Township's intention to have acquired this property prior to the levying of said taxes, the Township now wishes to cancel the outstanding fourth quarter taxes that are owed against the property.

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

1. That the outstanding taxes owed to the Township on the property currently owned by the New Jersey Conservation Foundation located at Block 180, Lot 14 on the Marlboro Township Tax Map, in the amount of \$3,516.98, are hereby canceled.

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

- a. Sanford D. Brown, Esq.  
Cerrato, Dawes, Collins, Saker & Brown  
509 Stillwells Corner Road  
P.O. Box 6009, Freehold, NJ 07728
- b. David J. Ennis, Director - Land Fund  
New Jersey Conservation Foundation  
300 Mendham Road  
Morristown, NJ 07960
- c. Shirley Giaquinto, Tax Collector
- d. Township Attorney

Prior to adoption of this Resolution, Councilman Friedman asked if routine reporting of all payments of rent will be made. Mr. Raffetto replied that this will all be stipulated in the agreement which will be signed between the Homeowner's Association and the township.

RESOLUTION # 341-95

RESOLUTION CANCELING TAXES ON THE PROPERTY  
LEASED BY THE MIDWAY MOBILE HOMEOWNER'S  
ASSOCIATION AT BLOCK 147, LOT 43 ON  
THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, the Township of Marlboro enters into a lease agreement to rent the premises to the Midway Mobile Homeowner's Association for the siting of the said park in 1985; and

WHEREAS, a provision of the lease agreement indicates that the Mobile Homeowner's Association is to pay a specific rent amount per year in lieu of all municipal taxes and charges of whatever kind; and

WHEREAS, due to an administrative error, taxes have been levied against the property for 1995; and

WHEREAS, as a result, the Tax Collector's books reflect that the second, third, and fourth quarter taxes for 1995, in the combined amount of \$6,959.03, remain unpaid and delinquent; and

WHEREAS, the Township wishes to correct this error and cancel these outstanding taxes.

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

1. That the outstanding taxes reflected on the records of

the Tax Collector concerning the property leased to the Midway Mobile Homeowner's Association, located at Block 147, Lot 43 on the Marlboro Township Tax Map, for the second, third, and fourth quarters of 1995, amounting to a total of \$6,959.03, are hereby canceled.

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

- a. Michael M. Stadler, Esq.  
90 Woodbridge Center Drive, Suite 610  
Woodbridge, NJ 07095
- b. Midway Mobile Homeowner's Association
- c. Shirley Giaquinto, Tax Collector
- d. Walter Kosul, Tax Assessor
- e. Township Attorney

The following Resolution #342-95 (Authorizing Separation Agreement - Irene Ash) was introduced by reference, offered by Council Vice President Colarusso, seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #342-95

RESOLUTION AUTHORIZING THE EXECUTION OF A  
SEPARATION AND GENERAL RELEASE AGREEMENT BETWEEN  
THE TOWNSHIP OF MARLBORO AND IRENE ASH

WHEREAS, the Township of Marlboro and Irene Ash have reached an agreement with respect to her separation from employment with the Township of Marlboro.

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 the attached Separation and General Release Agreement on behalf of the Township of Marlboro.

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

- a. Matthew Scannapieco, Mayor
- b. Robert Albertson, Business Administrator
- c. Irene Ash
- d. Evelyn Piccolini, Township Clerk

## e. Township Attorney

The following Resolution #343-95 (Canceling Unexpended Balances - Swim Utility) was introduced by reference, offered by Councilwoman Marcus, seconded by Council Vice President Colarusso, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION #343-95

WHEREAS, the following Swim Utility Fund Budget appropriation balances remain unexpended:

CAPITAL IMPROVEMENTS	
CAPITAL OUTLAY	\$70,000.

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Marlboro, that the above unexpended balances of the Swim Utility Fund be canceled.

Council then discussed Item 41 (Discussion - Swim Division - Changes for 1996). Arthur Lawrence, Executive Director, was present and reviewed all changes suggested by the Swim Division. After discussion, Council agreed to change the ordinance, as per the Swim Division's recommendations.

Item 42 (Discussion - Ordinance change - Non-disturbance areas - Sam Alfano, Planning Board Chairman) was moved to the first workshop meeting in January.

Public Session - There was no one who wished to speak.

At 10:30 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JANUARY 25, 1996

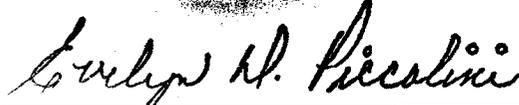
OFFERED BY: METZGER

AYES: 4

SECONDED BY: MARCUS

NAYS: 0

ABSTAIN: FRIEDMAN

  
 \_\_\_\_\_  
 EVELYN D. PICCOLINI  
 MUNICIPAL CLERK

  
 \_\_\_\_\_  
 THOMAS E. BRODERICK  
 COUNCIL PRESIDENT

MARLBORO TOWNSHIP COUNCIL MEETING

December 28, 1995

The Marlboro Township Council held a "Special" Council Meeting on December 28, 1995 at 4:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Councilman Friedman chaired the meeting, and 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 were faxed to the Asbury Park Press and the Star Ledger on December 22, 1995; 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 Friedman, Councilwoman Marcus and Councilman Metzger. Council President Broderick and Council Vice President Colarusso were absent.

Also present were: Mayor Scannapieco, Business Administrator Bob Albertson and Municipal Clerk Evelyn Piccolini. Terence Brown and Charles Waltler of Meeher Sharkey were also present.

The following Resolution #344-95 (Authorizing Mayor to Execute Contract with Respect to Employee Health Benefits) was introduced by reference, offered by Councilman Friedman, seconded by Councilwoman Marcus and was passed on a roll call vote of 3 - 0 in favor (Absent: Broderick & Colarusso).

RESOLUTION #344-95

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A  
CONTRACT WITH RESPECT TO EMPLOYEE HEALTH BENEFITS

WHEREAS, the Township of Marlboro is a party to contract with The New England to provide health benefits; and

WHEREAS, this contract will expire on December 31, 1995; and

WHEREAS, the Township has been presented with proposals which provide the Township with various options with respect to employee benefits.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it does hereby authorize the Mayor to execute a contract providing for one or more of the following subject to approval by the Township Attorney's office:

1. An agreement between the Township and The New England which incorporates The New England's proposal dated December 27, 1995, as well as any verbal representations or clarifications with respect to that proposal;
2. An agreement extending coverage until January 31, 1996 provided that there is no increase in terminal liability to the Township; and/or
3. An agreement between the Township and Coresource and Allianz which incorporates the proposal dated December 11, 1995 along with any written and verbal amendments that are favorable to the Township.

BE IT FURTHER RESOLVED that copies of this Resolution shall be provided to the following:

- a. Township Attorney
- b. Township Clerk
- c. Township Business Administrator
- d. Chief Financial Officer

Discussion followed, after which Mr. Brown and Mr. Waltler stated that the insurance provided in the proposal of Coresource and Allianz is identical to that provided by The New England.

At 5:00 PM, Councilman Friedman moved that the meeting be adjourned. This was seconded by Councilwoman Marcus, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Broderick & Colarusso).

MINUTES APPROVED: January 25, 1996

OFFERED BY: METZGER

AYES: 4

SECONDED BY: MARCUS

NAYS: 0

ABSTAIN: Friedman

*Evelyn D. Piccolini*

EVELYN D. PICCOLINI  
MUNICIPAL CLERK

EUGENE S. FRIEDMAN  
COUNCILMAN