

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 17, 2008

The Marlboro Township Council held its regularly scheduled meeting on July 17, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 18, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Council Vice President Rosenthal, Councilwoman Tragni Councilwoman Marder.  
Absent: Council President Cantor.

Also present were: Mayor Jonathan L. Hornik, Ronald Gordon, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Councilwoman Tragni moved that the minutes of June 5, 12 and 26, 2008 be approved. This motion was seconded by Councilwoman Marder and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Mayor Hornik presented the highlights of the 2008 Municipal Budget. Council Vice President Rosenthal opened the Public Hearing on the amendments to the budget. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2008-209 (Adoption of 2008 Municipal Budget) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll

call vote of 3 - 1 in favor with Council Vice President Rosenthal voting no (Absent: Cantor).

RESOLUTION # 2008-209

SECTION 2 - UPON ADOPTION FOR YEAR 2008

BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$17,888,706.14 for municipal purposes, and \$625,456.67 Open Space, Recreation, Farmland and historic Preservation Trust Fund Levy.\*

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

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2008-24 (Emergency Management - CERT). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-244/Ord. # 2008-24 (Emergency Management - CERT) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Tragni and the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-244

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

ORDINANCE # 2008-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT", ARTICLE XIV, "DEPARTMENT OF PUBLIC SAFETY" CHANGING THE NAME OF THE "DIVISION OF CIVIL DEFENSE" TO "OFFICE OF EMERGENCY MANAGEMENT" AND DETAILING THE RESPONSIBILITIES AND DUTIES OF THE OFFICE OF EMERGENCY MANAGEMENT; CREATING AND DETAILING THE RESPONSIBILITIES OF THE "MARLBORO EMERGENCY MANAGEMENT COUNCIL" AND CREATING AND DETAILING THE RESPONSIBILITIES OF "MARLBORO EMERGENCY MANAGEMENT VOLUNTEERS" AS INTEGRAL PARTS OF EMERGENCY MANAGEMENT PLANNING AND PREPARATION IN THE TOWNSHIP.

which was introduced on June 26, 2008, public hearing

held July 17, 2008, be adopted on second and final reading this 17<sup>th</sup> day of July, 2008.

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

Council Vice President Rosenthal opened the Public Hearing on Ordinance # 2008-25 (Redevelopment Plan - Marlboro Hospital). After the Public Hearing was held and closed, the following Resolution Res. # 2008-245/Ord. # 2008-25 ((Redevelopment Plan - Marlboro Hospital) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Marder. Mayor and Council members spoke in favor of the Ordinance and plan. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-245

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

ORDINANCE # 2008-25

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ADOPTING A REDEVELOPMENT PLAN FOR THE MARLBORO HOSPITAL PROPERTY WHICH PROVIDES FOR THE USE OF THE MARLBORO HOSPITAL PROPERTY FOR OPEN SPACE, RECREATIONAL AND GOVERNMENTAL USES AS DEFINED IN THE PLAN AND WHICH PERMITS ALTERNATIVE ENERGY GENERATION ON SITE CONSISTENT WITH THE "MARLBORO HOSPITAL REDEVELOPMENT PLAN", PREPARED BY HEYER, GRUEL & ASSOCIATES, DATED MAY 21, 2008

which was introduced on June 26, 2008, public hearing held July 17, 2008, be adopted on second and final reading this 17<sup>th</sup> day of July, 2008.

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

The following Resolution # 2008-246/Ord. # 2008-26 (Determining Positions Eligible for Defined Contribution Retirement Program) was introduced reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder and resolution/ordinance was then passed as amended on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-246

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

ORDINANCE # 2008-26 (As Amended)

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE  
DEFINED CONTRIBUTION RETIREMENT PROGRAM

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

BE IT FURTHER RESOLVED that the same be considered for final passage on August 7, 2008 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2008-26 (As Amended)

ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE  
DEFINED CONTRIBUTION RETIREMENT PROGRAM

WHEREAS, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

WHEREAS, N.J.S. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, either a resolution or ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

WHEREAS, the Township Council of the Township of Marlboro has considered the guidelines issued by the Local Finance Board;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Marlboro that:

1. Pursuant to N.J.S. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program when the position is filled by an employee of the Township:
  - a. Township Administrator;
  - b. Township Attorney;
  - c. Township Engineer;
  - d. Municipal Prosecutor;
  - e. Municipal Court Judge;
  - f. Swim Club Manager
2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S. 43:15C-
  - a. Tax Collector;
  - b. Chief Financial Officer;
  - c. Construction Code Official;
  - d. Qualified Purchasing Agent;
  - e. Tax Assessor;
  - f. Municipal Planner;
  - g. Registered Municipal Clerk;
  - h. Licensed Uniform Subcode Inspector;
  - i. Principal Public Works Manager.
3. If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in Section 2 above, the Pension Certifying Officer of the municipality may determine that the individual is not required to join the Defined Contribution Retirement Program if that individual;
  - a. was an active participant in the Public Employee Retirement System on July 1, 2007 and continuously since that time; or
  - b. has been appointed pursuant to a valid promotional process; or
  - c. is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in Section 2 herein, and is in pursuit of the required certification; or
  - d. meets such other exceptions that may be approved by the Local Finance Board or the Division of Pensions and Benefits.
4. This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S. 43:15C-1 et seq.) as amended from time to time, and any regulations or

guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

5. Should any part or parts of this Ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.
6. A copy of this Ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.
7. This ordinance shall take effect immediately.

The following Res. # 2008-247 (Bond Reduction Buckley Estates) was introduced by reference, offered by Councilwoman Tragni, and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-247

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE  
GUARANTEES FOR BUCKLEY ESTATES SITE IMPROVEMENTS -  
BLOCK 417, LOTS 2, 8.01 AND 19, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the reduction of Township held Performance Guarantees in the form of a Performance Bond and Cash amount for the development known as Buckley Estates, Block 417, Lots 2, 8.01 and 19, Marlboro, New Jersey, such Performance Guarantees being posted by Kara at Buckley Estates, LLC ("Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 26, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends a partial reduction in the current Performance Bond and Cash amount being held by the Township; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Bond and Cash amount.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of

New Jersey, that the Performance Guarantees posted for the Development known as Buckley Estates shall be reduced as follows:

The Performance Guarantee Bond for site improvements in the original amount of \$1,628,594.80, is presently in the amount of \$847,516.66 and shall be reduced by \$358,938.22, so that the amount to remain shall be \$488,578.44; and

The Cash Amount, in the original amount of \$180,954.98, is presently in the amount of \$180,954.98 and shall be reduced by \$126,668.49, so that the amount to remain shall be \$54,286.49.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Planning Board and/or Developer's Agreement for the aforesaid development.

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

- a. Kara at Buckley Estates, LLC
- b. Lexon Insurance Company
- c. Mayor Jonathan Hornik
- d. Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

After discussion, Council Vice President Rosenthal motioned to table Res. # 2008-248 (Bond Release Lexington Estates), which was seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

Councilwoman Tragni motioned to table Res. # 2008-249 (Bond Release Kensington Gate Sect. 1), which was seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

Councilwoman Marder motioned to table Res. # 2008-250 (Bond Release Kensington Gate Sect. 2), which was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

The following Res. # 2008-251 (Authorizing Issuance of One Plenary Retail Consumption License) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-251

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE OF ONE (1) ADDITIONAL PLENARY RETAIL CONSUMPTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the most recent federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to three (3) additional plenary retail consumption licenses; and

WHEREAS, in furtherance thereof, on October 10, 2002, the Township Council of the Township of Marlboro adopted Ordinance No. 2002-26, which authorized the issuance of up to three (3) additional plenary retail consumption licenses for a total of twelve (12) of such licenses, same being codified as Section 42-1 of the Code of the Township of Marlboro; and

WHEREAS, by Resolution #2003-182 the Township authorized the issuance of a plenary retail consumption license to AJR Restaurant Corp.; and

WHEREAS, by Resolution #2005-315 the Township authorized the issuance of a plenary retail consumption license to Brooks Edge Plaza, LLC; and

WHEREAS, by Resolution 2007-311, the Township authorized the issuance of one (1) plenary retail consumption license and the advertisement for the receipt of sealed bids therefor pursuant to *N.J.S.A. 33:1-19, et seq*; and

WHEREAS, there were no responses to the bid for (1) plenary retail consumption license issued pursuant to Resolution 2007-311; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption licenses and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license.

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

1. Only the bids of bidders 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 provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 3:30 P.M. on September 3, 2008, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,400.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$71,000.00 (by bank check or certified

check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail consumption license is \$710,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 3:30 P.M. on September 3, 2008 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

- (a) "2008 Liquor License bid"; and
- (b) Name of the Bidder

5. At 10:00 A.M. on September 4, 2008, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 3:30 P.M. on September 9, 2008 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" by November 24, 2008. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.

9. The sale may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of notice of application.

11. If no new license shall have been issued pursuant to this Resolution by March 3, 2009, no new license shall thereafter be issued without further Resolution of the Township Council determining to issue a new license.

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

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-252 (Authorizing Electronic funds Transfers - Tax Collector) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-252

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF ELECTRONIC FUNDS  
TRANSFERS FOR PAYMENT OF TAXES IN ACCORDANCE WITH THE  
PROVISIONS OF N.J.S.A. 40A:5-43

WHEREAS, the New Jersey State Legislature has adopted the Government Electronic Payment Acceptance Act, (the "Act") N.J.S.A. 40A:5-43 et seq., which permits a municipality to establish an electronic funds based transfer system for payment of taxes upon passage of a resolution of its governing body; and

WHEREAS, the Act requires that a municipality specify the types of charges, taxes, fees, assessments, fines or other obligations approved for electronic funds based transfer payments; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has promulgated regulations found at N.J.A.C. 5:30-9.1 et seq., which provide guidance to a municipality regarding the use of electronic funds transfers for a municipality to utilize in collecting obligations; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to authorize the payment of municipal tax bills by electronic funds transfers, such as the Automated Clearing House (ACH) system, in order to provide the taxpayers of the Township a needed convenience; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro desire to authorize the Tax Collector's Office to accept electronic funds transfers for the payment of taxes; and

WHEREAS, the Tax Collector of the Township of Marlboro has recommended that electronic funds transfers, such as the Automated Clearing House (ACH) system be authorized for the collection of taxes;

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

1. That the Mayor and Township Council hereby authorizes the acceptance of electronic funds transfers ("EFTs") for payment of taxes; and
2. That the Mayor and Township Council authorize the Tax Collector's Office to accept EFTs for the taxes, fees,

costs or other charges associated with the collection of taxes by the Tax Collector's Office; and

3. That the Tax Collector is authorized to take all actions deemed necessary or desirable to enable taxpayers to use an electronic funds transfer system, such as the Automated Clearing House (ACH) system, or any other widely recognized form of EFT that the Tax Collector deems beneficial to the Township and its taxpayers.

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

- a. Mayor Jonathan Hornik
- b. Business Administrator
- c. Tax Collector
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-253 (Public Declaration of the Conservation Purposes of the Easement Granted to the MTMUA to place solar energy equipment on the portion of Block 180, Lot 14) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-253

JOINT RESOLUTION of the TOWNSHIP COUNCIL of the TOWNSHIP OF MARLBORO and the COMMISSIONERS of the MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, by duly enacted Ordinance, adopted on the 24<sup>th</sup> day of May, 1962, the then Mayor and Township Committee of the Township of Marlboro created and established the Marlboro Township Municipal Utilities Authority (hereinafter sometimes referred to as the "MTMUA") pursuant to the enabling provisions of the *New Jersey Municipal and County Utilities Authorities Law* [N.J.S.A. 40:14B-1 *et seq.*]; and

WHEREAS, since its creation and pursuant to applicable law, the MTMUA constitutes a *Component Unit* of the Township of Marlboro and the *alter ego* thereof relative to all issues pertaining to water supply and water service in said Township; and

WHEREAS, since its inception, the MTMUA and the Township of Marlboro have actively collaborated with each other to better serve the health, welfare and well-being of the residents of Marlboro

Township and in pursuance thereof, the Township and the MTMUA have consummated various joint undertakings, including the implementation of the 1971 Service Contract; and

WHEREAS, the Commissioners of the Marlboro Township Municipal Utilities Authority have, heretofore, by resolution dated August 1, 2007, declared their desire and intention to develop alternative and renewable sources of energy for use in the operation of the MTMUA's water production, treatment, distribution and other facilities, which said renewable energy initiative will contribute to the reduction of public reliance upon fossil fuels for the generation of power and thereby reduce the emission of greenhouse gases, advance the goal of mitigating global warming and otherwise present a more environment-friendly source of power; and

WHEREAS, in furtherance of the aforesaid renewable energy policy the MTMUA Commissioners have specifically proposed the development of a solar energy farm to produce and provide a source of power for MTMUA's pumping and distribution facilities located at Tennent Road (Block 180, Lot 14), in the Township of Marlboro, County of Monmouth and State of New Jersey; and

WHEREAS, in accordance with its long-standing relationship with the MTMUA as a *Component Unit* and agency of the Township, the Township Council of the Township of Marlboro (herein sometimes referred to as the "Township" or the "Township Council") supports and endorses the MTMUA's renewable energy initiative and, in collaboration with the Commissioners of the MTMUA, the Township has, heretofore, authorized and approved a transaction providing for an exchange of interests in certain real property, which will enable the MTMUA to develop a solar farm on Township-owned property (Block 180, Lot 14) located immediately adjacent to the site of the MTMUA's existing pumping and distribution facilities on Tennent Road; and

WHEREAS, the aforementioned transaction was authorized by the Township Council's adoption of Ordinance #2008-12 on April 24, 2008, pursuant to which the Township approved the conveyance of a permanent easement to the MTMUA (hereinafter the "Easement") over and upon a portion the hereinabove mentioned real property designated as Block 180, Lot 14 on the Official Tax Map of the Township of Marlboro (hereinafter the "Property"); and

WHEREAS, the Township Council and the MTMUA Commissioners are aware that certain deed restrictions limit the use of the Property for "open space, conservation and recreational" purposes; and

WHEREAS, the Members of the Township Council and the Commissioners of the MTMUA verily believe that the planned use of a small portion [less than ten (10%) percent] of the Property by the MTMUA for the development of a solar energy farm is in accordance with and will promote the purposes of conservation as recited in the Property deed; and

WHEREAS, in conjunction the aforementioned real estate exchange transaction and the MTMUA's prospective use of the Easement for the development and operation of a solar energy farm, the Members of the Township Council and the Commissioners of the MTMUA believe that it is fitting and proper to offer a comprehensive and public declaration of the conservation purposes, goals and benefits to be achieved thereby and derived therefrom;

ACCORDINGLY:

NOW, THEREFORE, BE AND IT IS HEREBY JOINTLY RESOLVED by the Township Council of the Township of Marlboro and the Commissioners of the Marlboro Township Municipal Utilities Authority as follows:

1. The Township Council and the MTMUA Commissioners hereby acknowledge that the term "conservation" means, entails and contemplates the "act or process of conserving," including the "maintenance and conservation of energy," as well as the "preservation, management, protection and conservation of natural resources." The Township and the MTMUA hereby jointly endorse those definitions of the term "conservation."

2. The Township Council and the MTMUA Commissioners hereby recognize the Sierra Club as a quintessential advocate of environmental and ecological protection and that the Sierra Club lists high among its *Conservation Policies* the objectives of "Energy Conservation" and the "Development of Renewable Energy Sources" and, in order to achieve these conservation policies, the Sierra Club strongly advocates the "use of renewable energy sources, such as solar energy, wind power, and geothermal power." The Township and the MTMUA hereby jointly endorse and support those conservation policies, objectives and strategies.

3. The Township has, heretofore, in connection with the management and administration of lands dedicated for open space, conservation and recreational purposes, defined the phrase "Recreation and Conservation Purposes" to include the "conservation of natural resources." The Township and the MTMUA hereby jointly ratify and endorse that definition as one of the intended and desirable purposes of "conservation."

4. The solar energy farm proposed to be developed by the MTMUA should produce a minimum of 704,000 kilowatt-hours of clean, renewable energy each year. As a direct result thereof and in furtherance of the conservation policies and objectives hereinabove set forth, the Members of the Township Council and the Commissioners of the MTMUA hereby jointly DECLARE and PROCLAIM that the following conservation purposes and benefits are intended to be achieved by the development and operation of MTMUA's proposed solar energy farm on a portion of the Property:

The Township's overall "carbon footprint" will be reduced.

A significant contribution will be made to the reduction of the emission of greenhouse gases.

The solar energy farm will provide a source of renewable energy that will reduce reliance on fossil fuels for the generation of power and will help mitigate the effects of global warming, thereby offering an environment-friendly source of power.

By reducing reliance on fossil fuels, natural resources will be preserved and positive effects for the preservation of eco-systems and the environment will be achieved.

The following specific conservation goals and public benefits will be achieved by the generation of clean and renewable energy from the solar farm:

A. In the first year of operation, the emission of carbon dioxide will be reduced by a minimum of 502,000 lbs. Over the course of 25 years, the reduction in carbon dioxide emissions will be reduced by more than 11,800,000 lbs.

B. In the first year of operation, the emission of sulfur dioxide will be reduced by a minimum of 1,350 lbs. Over the course of 25 years, the reduction in sulfur dioxide emissions will be reduced by approximately 31,500 lbs.

C. In the first year of operation, the emission of nitrogen oxides will be reduced by more than 70 lbs. Over the course of 25 years, the reduction

in nitrogen oxide emissions will be reduced by approximately 1,655 lbs.

D. In year one, the use of at least 1,050 barrels of oil will be eliminated and this savings will aggregate more than 24,000 barrels over the course of 25 years.

E. The renewable energy generated will be equivalent to eliminating nearly 100 cars from our roadways each year or providing all of the annual power needs of nearly 60 households.

4. The proposed solar energy farm will not require any enclosed structures or entail the use of any significant impervious ground cover. Furthermore, the generation of clean and renewable energy will significantly advance the goals and objectives of "conservation" and preserve and conserve natural resources, thereby benefiting the entire community and enhancing the quality of life of the residents of Marlboro Township; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be placed on file in the Office of the Clerk of the Township of Marlboro, located at 1979 Township Drive, Marlboro Township, New Jersey, and at the Administration Office of the MTMUA, located at 14 Harbor Road, Marlboro Township, New Jersey, and shall be available for public inspection at said places during the regular business hours of the Township and MTMUA, respectively.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2008-254 (Redemption Tax Sale Certs. - Various), Res. #2008-255 (Refunds to WMUA - Various), Res. #2008-256 (Disabled Person Deduction - B. 146, L. 36), Res. #2008-257 (Veteran Deduction - B. 171, L. 27), Res. #2008-258 (Veteran Deduction - B. 378, L. 2), Res. #2008-259 (Refunds for Overpayments - Various), Res. #2008-260 (Extension of Grace Period to Aug. 29, 2008), Res. #2008-261 (Refund to Amboy Bank - B. 176, L. 65.06).

RESOLUTION # 2008-254

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling

\$123,446.61 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 \$123,446.61 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>
07-24	351/5	American Tax Funding, LLC	\$24,792.88
21-23	School Rd. West	BMO Capital Markets Corp. P.O. Box 862658 Orlando, FL 32886-2658	
07-27	412.07/35	CCTS Tax Liens I, LLC	15,602.21
19	Woodpecker Way	141 Shreve Avenue Barrington, NJ 08007	
08-38	420/15	Fidelity Tax, LLC	81,655.16
1	Craig Drive	P.O. Box 5707 Fort Lauderdale, FL 33310	
08-48	176/7 C0839	NASDOM, LLC	1,396.36
839	Mariposa Drive	1527 E. 35 Street Brooklyn, NY 11234	
TOTAL:			<u>\$123,446.61</u>

RESOLUTION # 2008-255

WHEREAS, current sewer charges totaling \$2,792.83 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,792.83 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#07-32 75 Rockwell Circle	202/4	Elliot Loeb - Keogh Plan	\$226.19
TSC#07-33 3 Bruce Road	262/14	Crusader Lien Services	115.93
TSC#07-37 6 Dickson Road	352/9	Crusader Lien Services	115.78
TSC#07-41 39 Kingfisher Court	412/240	Crusader Lien Services	119.16
TSC#08-14 1059 Roseberry Lane	176/7 C1059	Fidelity Tax, LLC	226.29
TSC#08-19 6 Breton Court	214.06/6	Fidelity Tax, LLC	192.71
TSC#08-34 40 Kingfisher Court	412.04/12	Edison Tax Services, Inc.	227.85
TSC#08-55 11 Clayton Road	299/106	CCTS Tax Liens I, LLC	329.36
TSC#08-58 31 Ottawa Road South	314/3	CCTS Tax Liens I, LLC	259.86
TSC#08-59 50 Ottawa Road South	315/9	CCTS Tax Liens I, LLC	227.89
TSC#08-62 28 Witherspoon Way	359.01/19	CCTS Tax Liens I, LLC	261.53
TSC#08-63 7 Clymer Court	360.02/18.11	CCTS Tax Liens I, LLC	261.68
TSC#08-64 5 Rodeo Drive	392/27.03	CCTS Tax Liens I, LLC	228.60
TOTAL:			<u>\$2,792.83</u>

RESOLUTION # 2008-256

WHEREAS, a Disabled Person deduction in the amount of \$250.00 has been allowed for the year 2008 for Block 146 Lot 36, located on 321 Tylers Lane, assessed to Debbie Cisson,

WHEREAS, taxes for the year 2008 have an unpaid balance on the above-referenced block & lot,

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 as noted above.

RESOLUTION # 2008-257

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2008 for Block 171 Lot 27, located on 109 Crine Road, assessed to Gwendolyn Candy,

WHEREAS, taxes for the year 2008 have an unpaid balance on the above-referenced block & lot,

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 # 2008-258

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2008 for Block 378 Lot 2, located at 61 Coventry Terrace, assessed to Mark & Angela Orlando,

WHEREAS, taxes for the year 2008 have an unpaid balance on the above-referenced block & lot,

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 as noted above.

RESOLUTION # 2008-259

WHEREAS, the attached list, known as Schedule "A", is comprised of amounts representing payments totaling \$1,046.82 for the 2008 first quarter taxes by the former owners of these properties, based upon the preliminary bills and,

WHEREAS, the above-mentioned properties are now assessed to the Township of Marlboro and are to be tax exempt for the year 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$1,046.82 to the respective former owners.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>FORMER ASSESSED OWNER</u>	<u>AMOUNT</u>
160 Classic Way	35	Conover Hills, Inc. 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	\$116.08
160.01 Classic Way	5.06	Conover Hills, Inc. 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	184.05
160.01 Route 79	5.18	Conover Hills, Inc. 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	109.81
193.05 Hemingway Court	11	Crine Realty 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	193.47
193.05 Crine Lane	25	Crine Realty 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	180.92
193.05 Sinclair Court	42	Crine Realty 90 Woodbridge Center Dr. Suite 600 Woodbridge, NJ 07095	262.49
TOTAL:			\$1,046.82

RESOLUTION # 2008-260

WHEREAS, due to a delay by the State in determining the amount of aid provided to the Township of Marlboro for this fiscal year, property tax bills for the upcoming year are being mailed later than usual,

WHEREAS, New Jersey State Statute provides for a minimum of twenty-five(25)days between the date of mailing and the property tax bill due date,

NOW THEREFORE, the governing Body of the Township of Marlboro hereby authorizes the extension of the grace period from August 10<sup>th</sup> to August 29<sup>th</sup>, 2008. Interest calculated on payments received after August 29<sup>th</sup> will revert back to the date of August 1<sup>st</sup>.

RESOLUTION # 2008-261

WHEREAS, a payment for the 2008 first quarter taxes has been received from the former assessed owner's mortgage company, Amboy Bank, in the amount of \$269.29 for Block 176 Lot 65.06, located on Stanzin Court, formerly assessed to BWB Developers, LLC, based on the preliminary bill, and

WHEREAS, the above-mentioned property is now assessed to the Township of Marlboro and is tax exempt for the year 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the amount of \$269.29 to Amboy Bank.

At 9:40PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor). Recess was called and the executive session reconvened at 9:55PM.

RESOLUTION # 2008-262

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17<sup>th</sup> day of July, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, 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.  
Action may be taken following the executive session.

At 10:20PM, Councilwoman Marder moved that the meeting be opened. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

At 10:21PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: August 7, 2008

OFFERED BY: Marder AYES: 4

SECONDED BY: La Rocca NAYS: 0

ABSTAIN: Cantor

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ALIDA MANCO,  
MUNICIPAL CLERK

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STEVE ROSENTHAL,  
COUNCIL VICE PRESIDENT