

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 15, 2010

The Marlboro Township Council held its regularly scheduled meeting on April 15, 2010 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2010; mailed 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: Council Vice President Marder,
Councilwoman Mazzola, Councilman
Metzger and Council President LaRocca.
Councilman Cantor was absent.

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

Council Vice President Marder moved that the minutes of March 4 & 18, 2010 be approved. The motion was seconded by Councilwoman Mazzola and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Council President LaRocca opened the Public Hearing on Ordinance # 2010-6 (Rescinding Ord. #2009-6 - Rezoning B. 119, L. 4). After the Public Hearing was held and closed, the following Res. # 2010-128/ Ord. # 2010-6 (Rescinding Ord. #2009-6 - Rezoning B. 119, L. 4) was introduced by reference, offered by

Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-128

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

ORDINANCE # 2010-6

AN ORDINANCE AMENDING CHAPTER 220 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY
BY REPEALING ORDINANCE #2009-6

which was introduced on March 4, 2010, public hearing held April 15, 2010, be adopted on second and final reading this 15th day of April, 2010.

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

Council President LaRocca opened the Public Hearing on Ordinance # 2010-7 (Appropriating from Capital Reserve Account Capital Improvement Costs - Glenbrook Condo Assoc.). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-129/Ord. # 2010-7 (Appropriating from Capital Reserve Account Capital Improvement Costs - Glenbrook Condo Assoc.) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-129

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

ORDINANCE # 2010-7

AN ORDINANCE APPROPRIATING \$200,000 FROM CAPITAL RESERVE ACCOUNT TO FULLY FUND COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS TO GLENBROOK CONDO ASSOCIATION

which was introduced on March 18, 2010, public hearing held April 15, 2010, be adopted on second and final reading this 15th day of April, 2010.

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

Council President LaRocca opened the Public Hearing on Ordinance # 2010-8 (Amend Chapter 94 - Animals - Late Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-130/Ord. # 2010-8 (Amend Chapter 94 - Animals - Late Fees) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-130

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

ORDINANCE # 2010-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 94 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "ANIMALS", ARTICLE I, "DOG LICENSING", SECTION 94-3, "LICENSING REQUIREMENTS", SUB-SECTION 94-3(A)(4), TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF DOGS, AND AMENDING AND SUPPLEMENTING ARTICLE III, "LICENSING OF CATS", SECTION 94-20, "LICENSES REQUIRED", SUB-SECTION 94-20(G), "LICENSE FEE SCHEDULE", TO AMEND THE ADMINISTRATIVE PENALTY FOR LATE LICENSURE OF CATS

which was introduced on March 18, 2010, public hearing held April 15, 2010, be adopted on second and final reading this 15th day of April, 2010.

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

Councilwoman Mazzola recused herself and left the room.

The following Res. # 2010-131/Ord. # 2010-9 (Redevelopment Entron Property) was introduced by reference, offered by Council Vice President Marder, and seconded by Councilman Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2010-131

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

ORDINANCE # 2010-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ADOPTING A REDEVELOPMENT PLAN FOR THE ENTRON INDUSTRIES PROPERTY WHICH PROVIDES FOR THE USE OF THE ENTRON INDUSTRIES PROPERTY FOR MARKET RATE AND AFFORDABLE HOUSING AS WELL AS RETAIL AND OFFICE DEVELOPMENT CONSISTENT WITH THE "ENTRON INDUSTRIES REDEVELOPMENT PLAN", PREPARED BY HEYER, GRUEL & ASSOCIATES, DATED FEBRUARY 5, 2010

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 6, 2010 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 # 2010-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO ADOPTING A REDEVELOPMENT PLAN FOR THE ENTRON INDUSTRIES PROPERTY WHICH PROVIDES FOR THE USE OF THE ENTRON INDUSTRIES PROPERTY FOR MARKET RATE AND AFFORDABLE HOUSING AS WELL AS RETAIL AND OFFICE DEVELOPMENT CONSISTENT WITH THE "ENTRON INDUSTRIES REDEVELOPMENT PLAN", PREPARED BY HEYER, GRUEL & ASSOCIATES, DATED FEBRUARY 5, 2010

WHEREAS, the Township of Marlboro Planning Board adopted a Housing Element/Fair Share Plan ("The Plan") in December 2008; and

WHEREAS, the Township Council endorsed the Plan and submitted the Plan under protest to COAH for substantive certification; and

WHEREAS, the Entron Industries Property is a component of the Township's Plan; and

WHEREAS, the Plan proposes the development of an inclusionary project consisting of 250 units of which 50 units are affordable family rental Township as well as retail/office development; and

WHEREAS, the Township Council of the Township of Marlboro by Resolution #2005-365 authorized the Planning Board of the Township of Marlboro ("Planning Board") to undertake a preliminary investigation as to whether the Entron Industries Property, known and designated as Block 132, Lot 18 (the "Entron Industries Property"), was an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution adopted on August 5, 2009, the Planning Board determined that the Entron Industries Property met the criteria to be classified as a redevelopment area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., and recommended to the Township Council that the Entron Industries Property be declared an "Area in Need of Redevelopment"; and

WHEREAS, by Resolution No. 2009-329 dated September 10, 2009, the Township Council designated the Entron Industries Property as a "Redevelopment Area" of Marlboro Township, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL"); and

WHEREAS, subsequent to the designation of the Entron Industries Property as an area in need of redevelopment, the Township Council directed that a Redevelopment Plan be prepared for the site; and

WHEREAS, Heyer, Gruel & Associates has prepared a Redevelopment Plan for the Township that meets the Township's goals of addressing a portion of its affordable housing obligation consistent with the Township Housing Plan; and

WHEREAS, the Redevelopment Plan proposes the development of an inclusionary project consisting of 250 units of which 50 units are affordable family rental Township as well as retail/office development; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, it is necessary for the Township of Marlboro to adopt, by ordinance, the Redevelopment Plan prepared by Heyer, Gruel & Associates for the undertaking and carrying out of redevelopment projects in the designated "Redevelopment Area"; and

WHEREAS, the Township Council believes that the adoption of the attached Redevelopment Plan is consistent with the Housing Plan of the Township of Marlboro in that it addresses a portion of the Township's affordable housing obligation;

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY that:

1. That the Township Council of the Township of Marlboro does hereby adopt the attached Redevelopment Plan entitled, "Entron Industries Redevelopment Plan", prepared by Heyer, Gruel & Associates, dated February 5, 2010 for the Entron Industries Property, known and designated as Block 132, Lot 18 ("Redevelopment Plan").
2. That the said Redevelopment Plan shall be subject to and consistent with the provisions set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
3. That, in accordance with N.J.S.A. 40A:12A-7, the Redevelopment Plan adopted hereunder shall supersede applicable provisions of the Marlboro Zoning/Development Regulations.
4. That, in accordance with N.J.S.A. 40A:12A-7, and to the extent necessary, the within Ordinance shall explicitly amend the Marlboro Township Zoning District Map, so as to indicate and delineate the subject Redevelopment Area to which the within Ordinance applies. (As such, the appropriate Marlboro Township officials are

authorized to amend the Zoning District Map, as necessary.)

5. That the Mayor, Township Business Administrator, Township Clerk, Township Attorney, and other appropriate Township officials are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance.
6. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
8. That the within Ordinance shall take effect immediately, or as otherwise allowed by law.

The following Res. # 2010-132/Ord. # 2010-10 (Amend Swim Ord. - Volunteers) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-132

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

ORDINANCE # 2010-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 265 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "PARKS AND RECREATION FACILITIES", ARTICLE III, "MARLBORO SWIM CLUB", SECTION 265-17, "MEMBERSHIP IN FACILITY", SUB-SECTION 265-17(K), "DISCOUNT MEMBERSHIPS", TO AMEND FEES FOR DISCOUNTED MEMBERSHIPS IN THE MARLBORO SWIM CLUB AND

MARLBORO AQUATIC CENTER FOR MEMBERS OF A VOLUNTEER
FIRE COMPANY OR VOLUNTEER FIRST AID SQUAD

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 6, 2010 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 # 2010-10

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 265 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "PARKS AND RECREATION FACILITIES", ARTICLE III, "MARLBORO SWIM CLUB", SECTION 265-17, "MEMBERSHIP IN FACILITY", SUB-SECTION 265-17(K), "DISCOUNT MEMBERSHIPS", TO AMEND FEES FOR DISCOUNTED MEMBERSHIPS IN THE MARLBORO SWIM CLUB AND MARLBORO AQUATIC CENTER FOR MEMBERS OF A VOLUNTEER FIRE COMPANY OR VOLUNTEER FIRST AID SQUAD

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 265, Parks and Recreation Facilities, Article III, Marlboro Swim Club, Section 265-17, Membership in Facility, Sub-Section 265-17(K) Discount Memberships, be and is hereby amended and supplemented to amend fees for discounted memberships in the Marlboro Swim Club and the Marlboro Aquatic Center for every member in good standing of a volunteer fire company or volunteer first aid squad who is performing a volunteer service within the Township of Marlboro as follows:

§ 265-17(K). Discount memberships.

A. Marlboro Swim Club and Marlboro Aquatic Center. Every member in good standing of a volunteer fire company or volunteer first aid squad performing voluntary service within the Township of Marlboro shall be entitled to a free full-time membership in the Marlboro Swim Club and a free weekend membership in the Marlboro Aquatic Center subject to the following conditions:

(1) A single volunteer shall only be eligible for a single membership on behalf of him or herself; and

(2) a married volunteer shall be eligible for either an individual membership on behalf of him or herself or, for a family membership, which shall include a spouse and all children under twenty-five (25) years of age, provided such children live at the volunteer's family home; and

(3) Volunteers who are eligible for a free full-time membership in the Marlboro Swim Club shall be required to pay an administrative and processing fee of \$40.00 per each family membership or \$25.00 for each individual membership. This fee shall be paid each year as long as the volunteer is eligible for such free full-time membership in the Marlboro Swim Club.

B. Marlboro Swim Club Day Camp. Any volunteer who enrolls one or more children in the Swim Club Day Camp shall pay the full fee for the Camp as set forth in §265-18(E)(5) and shall also be required to pay the Marlboro Swim Club Membership Fee as set forth in §265-18(A) and (B), less a \$150.00 discount off the family membership fee. The \$40.00 administration fee for a family set forth in §265-17(K)(3) shall be waived in this instance.

C. The discount membership shall apply to volunteers in any volunteer fire company or volunteer first aid squad within the Township who are certified by the Chief Executive Officer of their respective volunteer organization as members in good standing of said organization, having served a term of at least one year.

D. Such certification shall be filed annually, not later than January 15, with the Township Clerk by the Chief Executive Officer of each volunteer fire company or volunteer first aid squad. A new certification must be filed each year, and the certification from the preceding year shall be null and void.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Consensus of Council was to table Res. # 2010-51 (Bond Release Highland Meadows Sect. 2B & 3) until May 6th so that an assessment of the road could be performed.

The following Res. # 2010-133 (Bond Reduction Enclave at Glenbrook) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-133

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEES FOR THE DEVELOPMENT KNOWN AS THE ENCLAVE
AT GLENBROOK, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Paragon Homes I, LLC ("Developer") for the reduction of Township held performance guarantees in the form of a bond and cash deposit for public site improvements at a development known as the Enclave at Glenbrook on the property known as Block 412, Lot 165, on the Official Tax Map of the Township of Marlboro, Monmouth County, State of New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 5, 2010, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's March 5, 2010 report.

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 in the form of a bond and cash deposit posted for the development known as the Enclave at Glenbrook shall be reduced as follows:

1. The Performance Guarantee Bond (American Southern Insurance Company, Bond #1014142), in the original and present amount of \$414,820.33, shall be reduced by \$256,869.68, so that the remaining amount shall be \$157,950.65.
2. The Cash Deposit, in the original and present amount of \$46,091.15 shall be reduced by \$28,541.08, so that the amount to remain shall be \$17,550.07; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of all review and/or inspection escrow fees required by the Planning Board and/or Developer's Agreement for the aforesaid development and the resolution of any valid homeowner's complaints; and

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

- a. Paragon Homes I, LLC
- b. American Southern Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-134 (Bond Release Georgetown Manor - Offsite Sanitary Sewer) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President

Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-134

RESOLUTION AUTHORIZING RELEASE OF A PERFORMANCE
GUARANTEE FOR THE DEVELOPMENT KNOWN AS
GEORGETOWN MANOR, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee for offsite sanitary sewer improvements ("Public Improvements") at the Development known as Georgetown Manor, Block 159, Lots 3, 5, 6 and 7, Marlboro, New Jersey, (the "Site") posted by K. Hovnanian at Marlboro Township V, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 15, 2010 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a bond, Bond No. 11119509450 in the amount of \$529,367.00 posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to time of the performance guarantee release; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

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 above-described Performance Guarantee in the form of a bond, Bond No. 11119509450 in the amount of \$529,367.00 posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to time of the performance guarantee release; and

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

- a. K. Hovnanian at Marlboro Township V, Inc.
- b. The American Insurance company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-135 (Authorizing Reimbursement Sink Hole - 231 Nottingham Road) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-135

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES FOR THE REMEDIATION OF SINK HOLE HAZARDS FOR 231 NOTTINGHAM ROAD, MORGANVILLE, NEW JERSEY FROM FUNDS APPROPRIATED FOR SUCH PURPOSES BY ORDINANCE #2004-23 AND ORDINANCE #2009-26

WHEREAS, by Ordinance #2004-23, adopted on October 28, 2004, the Township of Marlboro appropriated funds in the amount of \$83,877.53 for the purpose of providing funds (the "Appropriated Funds") to be used for the investigation and remediation of sink holes on properties located in the Bolling Brook/Country Hills Subdivision (the Subdivision"); and

WHEREAS, Ordinance #2004-23 specified that the remediation amount for any one applicant shall be equal to the lesser of all remediation costs, or, \$7,500.00, and that under no circumstances shall an amount more than \$7,500.00 be paid out in respect of any Subdivision lot; and

WHEREAS, by Ordinance #2009-26, adopted on August 10, 2009, the Township of Marlboro established an increase in the limit of the amount remediation funds that may be paid out in respect of any Subdivision lot in an amount up to

\$10,000.00 and further established an initial claim bar date of March 15, 2010; and

WHEREAS, Ordinances #2004-23 and #2009-26 condition the reimbursement of such remediation funds upon the Township Chief Financial Officer's review and approval of applications for reimbursement from Subdivision lot owners; and

WHEREAS, the Township Engineer reviewed the application for reimbursement of funds for the amount of \$725.00 from the owner of 231 Nottingham Road, Block 140, Lot 3, Morganville, Monmouth County, New Jersey, for the remediation of sink hole hazards, and finds that the claim was made on February 19, 2010, before the initial claim bar date; and

WHEREAS, although the Township Engineer recommends that such request for reimbursement be approved as set forth in its report dated March 15, 2010, the Township Engineer further recommends that, since the property owner has not begun the remedial work, the reimbursement of such funds to be used for the remediation of sink hole hazards should be subject to the following conditions: (1) the review and approval of the Township Chief Financial Officer; (2) the verification of available funds; (3) the reimbursement should not be issued until such time as the sink hole(s) at the subject property are remedied; and (4) the property owner supplies the Township Chief Financial Officer with a copy of the check paid to the contractor undertaking the afore described remediation work; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's March 15, 2010 report, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of monies for remediation of sink hole hazards at the property known as 231 Nottingham Road, Block 140, Lot 3, Morganville, Monmouth County, New Jersey.

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 amount of \$725.00 from the Appropriated Funds (as defined hereinabove), be

paid to the owner of 231 Nottingham Road, Block 140, Lot 3, Morganville, Monmouth County, New Jersey, for the remediation of sink hole hazards at the subject property in accordance with the provisions of Ordinances #2004-23 and #2009-26, and subject to the following conditions:

- (1) the review and approval of the Township Chief Financial Officer;
- (2) the verification of available funds;
- (3) the reimbursement shall not be issued until such time as the sink holes at the subject property are remedied; and
- (4) the property owner has supplied the Township Chief Financial Officer with a copy of the check paid to the contractor undertaking the aforescribed remediation work; and

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

- a. Robert Shassol
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-137 (Bond Reduction Vintage Design/S & D Landscaping) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-137

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE VINTAGE DESIGN/S&D LANDSCAPING (SCOTT CARBONE) SITE, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Vintage Design/S&D Landscaping (Scott Carbone) ("Developer") for the reduction of Township held performance guarantees in the form of a letter of credit and cash deposit for public site improvements at its site located on property known as

Block 214.07, Lot 58, on the Official Tax Map of the Township of Marlboro, Monmouth County, State of New Jersey; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 30, 2010 and as revised April 7, 2010, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current letter of credit and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee letter of credit and cash deposit amounts in accordance with the recommendation of the Township Engineer's March 30, 2010 report, as revised April 7, 2010.

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 in the form of a letter of credit and cash deposit posted by the Developer, Vintage Design/S&D Landscaping (Scott Carbone), for public site improvements at its site located on property known as Block 214.07, Lot 58, Marlboro Township, New Jersey, shall be reduced as follows:

2. The Letter of Credit (Grand Bank, Letter of Credit No. S03002509), in the original and present amount of \$192,301.45, shall be reduced by \$134,611.02, so that the remaining amount shall be \$57,690.43.
2. The Cash Deposit, in the original and present amount of \$21,366.83 shall be reduced by \$14,956.78, so that the amount to remain shall be \$6,410.05; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of all review and/or inspection escrow fees required by the Planning Board

and/or Developer's Agreement for the aforesaid development and the resolution of any valid homeowner's complaints; and

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

- a. Vintage Design/S&D Landscaping
(Scott Carbone)
- b. Grand Bank
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-138 (Consenting to Treatment Works Approval Permit for Block 151, L. 11 - Cohen Dental Offices) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-138

RESOLUTION CONSENTING TO A TREATMENT WORKS
APPROVAL PERMIT FOR PROPERTY LOCATED AT 387 NEW
JERSEY STATE HIGHWAY ROUTE 79, BLOCK 151, LOT 11,
MARLBORO NEW JERSEY

WHEREAS, Cohen Dental Offices has applied to the New Jersey Department of Environmental Protection ("NJDEP") for issuance of a Treatment Works Approval Permit to construct a replacement septic disposal system at the property known as 387 New Jersey State Highway Route 79, Block 151, Lot 11, Marlboro, New Jersey, (the "Property"); and

WHEREAS, the Township Engineer has reviewed the application for the Treatment Works Approval Permit and recommends that the municipality consent to the application; and

WHEREAS, the Mayor and Township Council have reviewed the Township Engineer's comments to the application for the Treatment Approval Works Permit and is amenable to consenting to such Permit.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that consent is granted to Cohen Dental Offices, located at 387 New Jersey State Highway Route 79, Block 151, Lot 11, Marlboro, New Jersey, (the "Property") to obtain a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection to construct a replacement septic disposal system at the Property; and

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

- a. Cohen Dental Offices
- b. Township Business Administrator
- c. Township Engineer
- d. DeCotiis, FitzPatrick & Cole, LLP

Councilwoman Mazzola motioned to table Res. # 2010-139 (Authorizing Contract Amendment CME - Morganville Senior Center) to the May 6th agenda for further information. This was seconded by Council President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

The following Res. # 2010-140 (Authorizing Contract Amendment Birdsall - NJDEP Green Acres/NJSADC Farmland Preservation Funding DiMeo/Municipal Complex) was introduced by reference, offered by Council Vice President Marder and seconded by Council President LaRocca. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-140

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL
ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO
FOR ENVIRONMENTAL AND ENGINEERING SERVICES
FOR CERTAIN GREEN ACRES AND FARMLAND
PRESERVATION FUNDING ISSUES

WHEREAS, the Township requires professional environmental and engineering services (the "Professional Services") for: (1) resolving purchase reimbursement issues for Green Acres Funding for Block 160, Lot 8; (2) site

remediation issues in connection with New Jersey State Agriculture Development Committee Farmland Preservation Funding for Block 159, Lot 1.01; and (3) finalization of Recreation and Open Space Inventory ("ROSI") approval in connection with Green Acres Funding for the Municipal Complex Property (sometimes referred to hereinafter collectively the "Projects"); and

WHEREAS, Birdsall Engineering, Inc. has provided a proposal dated March 18, 2010 (the "Proposal") for such Professional Services in connection with the Projects; and

WHEREAS, the Township of Marlboro and Birdsall Engineering, Inc. have previously entered into a Professional Services Contract, awarded under a non-fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Projects for fees not to exceed a total of \$18,800.00 in the aggregate and individually as follows:

(1) \$1,500.00 to resolve purchase reimbursement issues for Green Acres Funding for Block 160, Lot 8;

(2) \$14,800.00 to resolve site remediation issues in connection with New Jersey State Agriculture Development Committee Farmland Preservation Funding for Block 159, Lot 1.01; and

(3) \$2,500.00 to finalize Recreation and Open Space Inventory ("ROSI") approval in connection with Green Acres Funding for the Municipal Complex Property; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # T-15-56-859-815; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required additional Professional Services for these Projects in accordance with the terms of its Proposal; and

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

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

WHEREAS, Birdsall Engineering, Inc. has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Engineering, Inc. has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) for the Projects (as described and defined hereinabove), in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$18,800.00 in the aggregate and individually as follows:

(1) \$1,500.00 to resolve purchase reimbursement issues for Green Acres Funding for Block 160, Lot 8;

(2) \$14,800.00 to resolve site remediation issues in connection with New Jersey State Agriculture Development

Committee Farmland Preservation Funding for Block 159, Lot 1.01; and

(3) \$2,500.00 to finalize Recreation and Open Space Inventory ("ROSI") approval in connection with Green Acres Funding for the Municipal Complex Property; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsell Engineering, Inc.
611 Industrial Way West
Eatontown NJ 07724
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-141 (Awarding Contract - MV Digital Productions - (Curt Ciumei)) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-141

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN CURT CIUMEI OF MV DIGITAL PRODUCTIONS, LLC FOR THE PROVISION OF EXECUTIVE PRODUCER AND DIRECTOR SERVICES FOR THE TOWNSHIP OF MARLBORO'S CABLE TELEVISION STATION

WHEREAS, pursuant to 40A:11-2(6), Professional Services are defined as services rendered in the provision

or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, the Township of Marlboro is in need of professional services in connection with the provision of Executive Director and Director of Creative Services for the programming and content on the Township's local access Cable TV Station (the "Creative Services"); and

WHEREAS, such Creative Services constitute professional services that are exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, such Creative Services shall be rendered by Curt Ciumei of MV Digital Productions, LLC (also referred to collectively as the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 for a contractual lump sum amount not to exceed \$23,000.00; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds are available in Account Number 0-01-055-286 for an amount not to exceed \$5,750.00, with the balance due of \$17,250.00 to be made available upon adoption of the 2010 budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5 will be made during the term of the Township Engineer's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Curt Ciumei of MV Productions, LLC to provide the required professional Creative Services for the Township Cable TV Station; and

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

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to Curt Ciumei of MV Productions, LLC to provide Creative Services (as described and defined hereinabove) for the Township of Marlboro's local access Cable TV Station pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 for a term beginning April 15, 2010 and ending December 31, 2010; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for total compensation in a lump sum amount not to exceed \$23,000.00, of which \$5,750.00 shall be paid from Account Number 0-01-055-286, with the balance of \$17,250.00 to be made available upon adoption of the 2010 budget; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for the said Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

5. A copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

6. That notice of the award of this contract shall be published as required by law.

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

- a. Curt Ciumei of MV Productions, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-142 (Authorizing an extension of the contract - Above the Mark Landscaping LLC - Detention/retention basin maintenance) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-142

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND ABOVE THE MARK LANDSCAPING LLC TO PROVIDE DETENTION/RETENTION BASIN MAINTENANCE SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2009-157, the Township of Marlboro authorized the award of a contract to Above the Mark Landscaping LLC for a one year term beginning May 6, 2009 and ending December 31, 2009 for the provision of Detention/Retention Basin Maintenance Service for the Township of Marlboro Department of Public Works for a bid prices amount not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services (collectively the "Services"); and

WHEREAS, the Department of Public Works has recommended, and the Mayor and Township Council have indicated their desire, to extend the contract with Above the Mark Landscaping LLC for the Services for an additional

one year period terminating December 31, 2010, in accordance with the bid specifications, at prices not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services, for a total amount not to exceed \$95,200.00; and

WHEREAS, Above the Mark Landscaping LLC has provided written notice that it will honor the contract prices for the previous year and requests that the contract be extended; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an extension to the contract with Above the Mark Landscaping LLC through December 31, 2010 for the provision of the Services in accordance with the bid specifications, at prices not to exceed \$84,000.00 for Table I Services and not to exceed \$11,200.00 for Table II Services, for a total amount not to exceed \$95,200.00, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness, an extension to the aforesaid contract with Above the Mark Landscaping LLC, in accordance with this Resolution, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for an amount not to exceed \$95,200 from the Stormwater Trust Account; and

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

- e. Above the Mark Landscaping LLC
- f. Mayor Jonathan L. Hornik
- g. Township Business Administrator
- h. Township Director, Dept. of Public Works
- i. Township Chief Financial Officer
- j. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-143 (Authorizing Developer Agreement Scott Carbone d/b/a Vintage Design and STC Realty) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-143

A RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND SCOTT CARBONE d/b/a VINTAGE DESIGN AND STC REALTY, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 175, LOT 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, THE WEST SIDE OF ROUTE 9 SOUTH, NORTH OF ROBERTSVILLE ROAD

WHEREAS, On March 21, 2007, the Planning Board of the Township of Marlboro adopted a resolution granting Major Site Plan Approval with Bulk Variance and Waivers to Scott Carbone d/b/a Vintage Design for the site located on property known as Block 175, Lot 11, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is the west side of Route 9 South, North of Robertsville Road; and

WHEREAS, the Planning Board Resolution conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Developer, Scott Carbone d/b/a Vintage Design and STC Realty, LLC for the Major Site Plan Approval with Bulk Variance and Waivers granted by the Marlboro Township Planning Board for the site known as Block 175, Lot 11, on the Official Tax Map of the Township

of Marlboro, Monmouth County New Jersey, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro

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

- a. Scott Carbone d/b/a Vintage Design and STC Realty, LLC c/o Salvatore Alfieri, Esq.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-144 (Authorizing Shared Services Agreement Mon. County Fixed Route Public Bus Transportation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-144

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR FIXED ROUTE PUBLIC BUS TRANSPORTATION WITHIN THE TOWNSHIP OF MARLBORO THROUGH JUNE 30, 2011 PURSUANT TO N.J.S.A. 40A:65-1 ET SEQ.

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established fixed route public bus transportation within the Township of Marlboro through June 30, 2011; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County for the provision of the aforesaid transportation services to residents of Marlboro Township; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq. authorizes local units (as defined in said Act), to enter into joint agreements for the provision of governmental

services, including the transportation services contemplated herein by adoption of a resolution therefor; and

WHEREAS, the proposed Shared Services Agreement for the provision of such transportation services is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b);

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement with the County of Monmouth for the provision of fixed route public bus transportation within the Township of Marlboro through June 30, 2011; and

BE IT FURTHER RESOLVED, that, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Town Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the Shared Services Agreement shall be filed with the Division of Local Government Services in the Department of Community Services for informational purposes; and

BE IT FURTHER RESOLVED that a duly certified copy of this Resolution be forwarded to the following parties:

- a. County of Monmouth, Board of Chosen Freeholders
- b. Division of Local Government Services, Dept. of Community Services
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator

The following Res. # 2010-145 (Authorizing Settlement Agreement) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-145

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE MEITERMAN PARTIES AND THE TOWNSHIP OF MARLBORO

WHEREAS, on or about April 8, 2009, the Township of Marlboro ("Township") filed a complaint against Bernard Meiterman, Steven Meiterman, Edward Kay, Meiterman Custom Built Homes, Inc., Meiterman Development Group, LLC, Meiterman Properties, Inc., Meiterman Commercial Properties, Inc., Meiterman Holdings, Inc., and Triangle Ridge at Marlboro, LLC (collectively, the "Meiterman Parties"), among other parties, under Docket No. MON-L-1738-09 (the "Litigation"); and

WHEREAS, the Township and the Meiterman parties desire to amicably settle their dispute in connection with the Litigation and desire to enter into a Settlement and Release Agreement; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the proposed Settlement and Release Agreement between the Township and the Meiterman Parties and desires to settle the dispute in an amicable matter in order to avoid the expenditure of time and monies in a protracted litigation, deeming such settlement to be in the best interest of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro, Monmouth County, New Jersey, that it hereby authorizes the Settlement and Release between the Township of Marlboro and the Meiterman Parties (as defined and described hereinabove) and the execution of the Settlement and Release Agreement by the Mayor in the presence of the Township Clerk; and

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

- a. Meiterman Parties c/o Vincent P. Manning, Esq.,
Manning, Caliendo & Thomson
36 West Main Street
Freehold, NJ 07728;
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-146 (Appointment of Tax Assessor) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-146

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT
OF MICHAEL IMBRIACO AS TAX ASSESSOR FOR THE
TOWNSHIP OF MARLBORO

WHEREAS, Section 4-36 of the Code of the Township of Marlboro establishes the Office of the Tax Assessor, the head of which shall be the Tax Assessor, for the Township of Marlboro; and

WHEREAS, Section 4-36 of the Code provides that the Tax Assessor shall be appointed by the Mayor, with the advice and consent of the Council, for a term of four (4) years commencing on July 1st next following the appointment; and

WHEREAS, Mayor Jonathan L. Hornik desires to appoint Michael Imbriaco as the Tax Assessor for the Township of Marlboro in accordance with the terms established by Section 4-36 of the Code; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of Michael Imbriaco as the Tax Assessor for the Township of Marlboro in accordance with the term established by Section 4-36 of the code.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that it hereby consents to the Mayor's appointment of Michael Imbriaco as the Tax Assessor for the Township of Marlboro

for a four (4) year term beginning July 1, 2010 and ending June 14, 2010; and

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

- a. Michael Imbriaco
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-147 (Award of Bid - Coach Busing) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-147

A RESOLUTION AWARDING A CONTRACT TO SUBURBAN TRANSIT CORP TO PROVIDE COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT TRAVEL CAMP

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp, and on March 31, 2010, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

Trip Location	Suburban Transit Corp 750 Somerset Street New Brunswick, NJ 08901 Per Bus Bid	Stout's Charter Service 20 Irven Street Trenton, NJ 08638 Per Bus Bid
The Quarry Swim Club - Hopewell, NJ Rockville	834.00	900.00
Climbing Center - Hamilton, NJ Blackbeard's Cave - Bayville, NJ Island Beach	834.00	900.00
State Park - Seaside Park, NJ	834.00	955.00

Funtown Pier - Seaside Park, NJ	834.00	925.00
Jenkinson's Boardwalk - Point Pleasant, NJ	834.00	960.00
Great Adventure/Hurricane Harbor, Jackson, NJ	884.00	925.00
Bucks County River Country - Point Pleasant, PA	994.00	950.00
Liberty Science Center - Jersey City, NJ	834.00	910.00
Clementon Amusement Park & Splash World - Clementon, NJ	954.00	900.00
Dorney Park & Wildwater Kingdom - Allentown, PA	994.00	912.00
Philadelphia Zoo - Philadelphia, PA	954.00	920.00
Mt. Creek Water Park - Vernon, NJ	994.00	900.00
Adventure Aquarium - Camden, NJ	954.00	915.00
Space Odyssey - Englewood, NJ	834.00	900.00
Lakewood Blue Claws - Lakewood, NJ	834.00	900.00
The Franklin Science Museum - Philadelphia, PA	954.00	920.00
Amboy Roller Rink - South Amboy, NJ	794.00	900.00
Seven Presidents Beach - Long Branch, NJ	834.00	900.00
Aberdeen Movie Theater - Aberdeen, NJ	794.00	850.00
Belmar Beach - Belmar, NJ	834.00	900.00
Gold Coast Arena	834.00	900.00

- Wall, NJ Keansburg Amusement/Water Park - Keansburg, NJ	834.00	900.00
- Sandy Hook Beach - Sandy Hook, NJ Ocean County Park	834.00	925.00
- Lakewood, NJ NY Liberty (MSG)	834.00	900.00
- New York, NY	894.00	900.00

Trip Location	Suburban Transit Corp Per Bus Bid	Stout's Charter Service Per Bus Bid
Somerset Patriots Game - Somerset, NJ	834.00	900.00
Wildwood Pier - Wildwood, NJ	1,094.00	1,075.00
Total	24,602.00	25,642.00
CANCELLATION FEE PER BUS - <24 hours notice	25%	0.00
CANCELLATION FEE PER BUS - <5 hours notice	50%	150.00

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bids received and recommend that same be awarded to Suburban Transit Corp. as the lowest responsible bidder; and

WHEREAS, the funds which available for this contract are contingent upon the collection of the required fees in the Recreation Trust; therefore, the services and payments addressed in this bid are on an on-going basis not requiring certification of funds by the Township Chief Financial Officer; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Suburban Transit Corp. of New Brunswick, New Jersey to provide Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Suburban Transit Corp of New Brunswick, New Jersey to provide Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp for the bid prices as set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Suburban Transit Corp. for Coach Bus Transportation Services for the Township of Marlboro Recreation Department Travel Camp for the bid prices as set forth hereinabove; and

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

- a. Suburban Transit Corp.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2010-148 (Award of Bid - School Bus Transportation) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-148

A RESOLUTION AWARDING A CONTRACT TO NEGBA BUS SERVICE TO PROVIDE SCHOOL BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT SUMMER CAMP

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp, and on March 31, 2010, received four (4) therefor; and

WHEREAS, the four (4) bids received were from:

- (1) Negba Bus Service
1027 Ridge Avenue
Lakewood, NJ 08701
- (2) Fariello Bus Service, LLC
327 Greenwood Road
Matawan, NJ 07747
- (3) Student Transportation of America
501 Prospect Street
Lakewood, NJ 08701
- (4) R. Helfrich & Son Corp.
503 So. Laurel Avenue
W. Keansburg, NJ 07734

For the bid prices for the routes contained in the Base Bid, Alternate "A" Bid, and Alternate "B" Bid, as set forth in Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bids received and recommended that a contract be awarded to Negba Bus Service as the lowest responsible bidder for the specific routes set forth in the Base Bid only, as further described in the attached Schedule "A"; and

WHEREAS, the funds which will be available to cover the costs associated with the awarding of this contract are contingent upon the collection of the required fees in the Recreation Trust; therefore, the services and payments addressed in this bid are on an on-going basis not requiring certification of funds by the Township Chief Financial Officer; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Negba Bus Service, 1027 Ridge Avenue, Lakewood, NJ 08701 to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp for the specific routes set forth in the Base Bid only.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Negba Bus Service, 1027 Ridge Avenue, Lakewood, NJ 08701 to provide School Bus Transportation Services for the Township of Marlboro Recreation Department Summer Camp for the specific routes

set forth in the Base Bid only for compensation as set forth in Schedule "A" attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Negba Bus Service, 1027 Ridge Avenue, Lakewood, NJ 08701 in a form to be approved by the Township Attorney, for the aforementioned services; and

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

- a. Negba Bus Service
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-149 (Extension of Contract Campus Coordinates - T-Shirts Swim and Recreation) was introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-149

A RESOLUTION AUTHORIZING THE EXTENSION OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND CAMPUS COORDINATES FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT AND SWIM CLUB

WHEREAS, by Resolution 2009-189, the Township of Marlboro authorized the award of a contract to Campus Coordinates for a one year term beginning June 1, 2009 and ending April 30, 2010 for the provision of T-Shirts in various colors and sizes for the Township of Marlboro's Recreation Department and Swim Club; and

WHEREAS, the Township Administration, Recreation Department and Swim Club Management have recommended, and the Mayor and Township Council have indicated their desire, to extend the contract with Campus Coordinates for the provision of T-Shirts in various colors and sizes for the Township of Marlboro's Recreation Department and Swim Club

for an additional one year period, commencing May 1, 2010 and terminating April 30, 2011, in accordance with the terms of the current contract and previous bid; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an extension and amendment to the contract with Campus Coordinates for the provision of T-Shirts in various colors and sizes for the Township of Marlboro's Recreation Department and Swim Club for an additional one year period, commencing May 1, 2010 and terminating April 30, 2011, in accordance with the terms of the current contract and previous bid, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness, an extension to the aforesaid contract with Campus Coordinates in accordance with this Resolution, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the funds which will be available to cover the costs associated with the awarding of this bid are contingent upon the collection of the required fees from the Recreation Trust as to T-Shirts provided for the Recreation Department, and that therefore, the payments addressed by this contract for T-Shirts provided to the Recreation Department shall be on an on-going basis and shall not require a certification of funds by the Township Chief Financial Officer; and

BE IT FURTHER RESOLVED that as to T-Shirts provided to the Swim Club, the Chief Financial Officer has executed a Certification of Funds for the this portion of the subject contract, which is attached hereto, and that sufficient funds are available in an amount not to exceed \$14,000.00 from the Swim Club Operating Budget; and

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

- a. Campus Coordinates
- b. Mayor Jonathan Hornik
- c. Township Business Administrator

- d. Township Chief Financial Officer
- e. Township Superintendent of Recreation
- f. Township Swim Club Manager
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-150 (Authorization to Bid - Water Main Repairs - Water Utility Division) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-150

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, and/or materials as required by law:

Water Main Repairs for Water Utility Division

The following Res. # 2010-151 (Approving and Endorsing Development Easement - Mc Carron Property - B. 155, L. 13.03) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-151

RESOLUTION OF THE TOWNSHIP OF MARLBORO TO APPROVE
AND ENDORSE THE ACQUISITION OF A DEVELOPMENT
EASEMENT BY THE MONMOUTH COUNTY AGRICULTURE
DEVELOPMENT BOARD - BLOCK 155 LOT 13.03

WHEREAS, the Monmouth County Agriculture Development Board ("MCADB") is considering the purchase of a development easement ("Development Easement") on property located in the Township of Marlboro, Monmouth County, New Jersey, more specifically identified as:

Township of Marlboro (formerly Estate of Marilyn McCarron): Block 155 Lot 13.03 in Marlboro Township, Monmouth County, New Jersey, comprising approximately

43 acres, with no exceptions, 1 single-family residence, and zero agricultural labor housing units (the "Restricted Premises").

WHEREAS, N.J.A.C. 2:76-6.7 requires a governing body to review applications for the purchase of development easements as a condition of receiving State Agriculture Development Committee ("SADC") grant funds; and

WHEREAS, the Township Council of the Township of Marlboro is aware of the future restrictions on property that is protected from development as a result of the purchase of a development easement in accordance with the Right to Farm Act and the Agriculture Retention and Development Act; and

WHEREAS, the MCADB has established a policy requiring local cost share commitment for all easement purchases; and

WHEREAS, the certified market value of the Development Easement located within the Restricted Premises is \$40,000 per acre; however, due to the Township's bargain sale purchase of the Restricted Premises in 2007, the purchase price of the Development Easement is expected to be \$14,633.98 per acre; and

WHEREAS, it is anticipated that the SADC will contribute 60% of the cost of the Development Easement acquisition through the Municipal Planning Incentive Grant Program; and

WHEREAS, the Township's anticipated contribution cost share would be 16% of the Development Easement purchase price (estimated to be \$3,512.16 per acre); and

WHEREAS, the SADC may further adjust the per acre cost share basis due to elevated concentrations of arsenic on three (3) sample sites and old farm debris noted in the Site Investigation Report prepared by Birdsall Engineering on February 8, 2007 for the Township's fee simple purchase of the Restricted Premises; and

WHEREAS, the Township's contribution will be deducted from the total consideration for the Development Easement; and

WHEREAS, no installment purchase is anticipated; and

WHEREAS, pursuant to N.J.A.C. 2:76-6.23(b)1, if the Township sells the Restricted Premises for more than the "after" value used to calculate the grant amount (\$22,000/acre or an estimated \$946,000 (based on 43 acres), the Township shall reimburse the SADC, on a pro rata basis, up to the amount of the SADC grant; and

WHEREAS, the Township Council of the Township of Marlboro desires to contribute to the purchase of the Development Easement for the anticipated cost share amount of 16% of the Development Easement purchase price, that is, an estimated \$3,512.16 per acre, such contribution to be deducted from the total consideration for the Development Easement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that it hereby approves and endorses the acquisition of the Development Easement (as defined and described hereinabove on a portion of the Restricted Premises (as defined and described hereinabove) by the Monmouth County Agriculture Development Board; and

BE IT FURTHER RESOLVED, that the Township shall contribute towards the acquisition of the Development Easement, for its anticipated cost share amount of 16% of the Development Easement purchase price, that is, an estimated \$3,512.16 per acre, which contribution shall be deducted from the total consideration for the Development Easement; and

BE IT FURTHER RESOLVED that two (2) certified copies of the Resolution shall be sent to the Monmouth County Agriculture Development Board office and one (1) copy each shall be sent to the Marlboro Township Planning Board, Tax Assessor and Tax Collector; and

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

- a. Mayor Jonathan L. Hornik
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2010-152 (Rates of Interest Utility Bills), Res. #2010-153 (Refunds to MTMUA - Various), Res. #2010-154 (Redemption Tax Sale Certs. - Various) and Res. #2010-155 (Refunds for Overpayments - Various).

RESOLUTION # 2010-152

WHEREAS, The Township of Marlboro received approval of the Local Finance Board and formally completed the dissolution of the Marlboro Township Municipal Utilities Authority effective as of January 31, 2010, and

WHEREAS, the governing body of each municipality is responsible to establish the rate of interest to be charged for non-payment of taxes or assessments; and

WHEREAS, the Township of Marlboro has an ordinance in place which establishes said rate at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum of any amount in excess of \$1,500.00 and allows an additional penalty of a flat 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year; and

WHEREAS, the Marlboro Township Municipal Utilities Authority charged a rate of 1.5% (18% per annum) as represented on the bills distributed to the recipients of their service.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey the Tax Collector is hereby authorized and directed to charge 1.5% per month (18% per annum) on the collections of the newly formed Marlboro Township Water Utility until such time that the conversion from the current MTMUA software to the platform used by the Township in its collection efforts is completed, (scheduled to be June 1). At which time the interest charged on all Township delinquencies will revert back to the previously established rate of 8% per annum on the first \$1,500.00 of taxes or other municipal charges and 18% per annum on any

amount of taxes or other municipal charges in excess of \$1,500.00 becoming delinquent after due date, and if a delinquency (including interest) is in excess of \$10,000.00 and remains in arrears after December 31, an additional flat penalty of 6% shall be charged against the delinquency.

RESOLUTION # 2010-153

WHEREAS, current water charges totaling \$71.37 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 water charges in the amount of \$71.37 be refunded to the Marlboro Township Municipal Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
09-9 319 Bayview Dr.	153 62.06	Plymouth Park Services	\$71.37
TOTAL:			<u>\$71.37</u>

RESOLUTION # 2010-154

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$15,510.14 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 \$15,510.14 to be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
09-72 35 Stony Hill Dr.	192 4	James C. Older 87 E. Mountain Rd. Hillsborough, NJ 08844	\$ 752.95

09-97	300	79	Royal Tax Lien	1,568.72
239 Yellowknife Rd.			Services, LLC	
			179 Washington Ln.	
			Jenkintown, PA 19046	
09-58	176	7 C0719	Nithi Services, LLC	846.69
719 Snowdrop Ct.			20 Almadera Drive	
			Wayne, NJ 07470	
08-64	392	27.03	CCTS Tax Lien I, LLC	2,269.51
5 Rodeo Dr.			1415 Route 70 East	
			Suite 504	
			Cherry Hill, NJ 08034	
09-74	193.06	11	Josef Hoffmann	217.67
80 Station Rd.			326 Shady Lane	
			Trenton, NJ 08619	
09-65	178	2 C0379	Stuart Lasher	5,006.89
379 Yorkshire Pl.			P.O. Box 83	
			Milltown, NJ	
			08850-0083	
08-55	299	106	CCTS Tax Liens I, LLC	4,847.71
11 Clayton Rd.			1415 Route 70 East	
			Suite 504	
			Cherry Hill, NJ 08034	
			TOTAL:	<u>\$15,510.14</u>

RESOLUTION # 2010-155

WHEREAS, the attached list in the amount of \$2,272.35 known as Schedule "A" is comprised of amounts representing overpayments for 2010 taxes.

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

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2010 REFUND</u>
371	27	Glowacki, Marek A.	\$2,272.35
40 Windfall Ln.		& Krystyna M.	
		40 Windfall Lane	

Marlboro, NJ 07746

TOTAL: \$2,272.35

At 11:40PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilman Metzger, and there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 20, 2010

OFFERED BY: La Rocca AYES: 4

SECONDED BY: Metzger NAYS: 0

ABSENT: Cantor

ALIDA MANCO
MUNICIPAL CLERK

FRANK LaROCCA
COUNCIL PRESIDENT