

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 24, 2010

The Marlboro Township Council held its re-scheduled meeting on August 24, 2010 at 7:00 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 August 4, 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: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

Also present were: Mayor Jonathan L. Hornik, Louis Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Councilman Metzger moved that the minutes of July 15, 2010 be approved. This motion was seconded by Councilwoman Mazzola on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

The following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. # 2010-273 (Dedication by Rider - Accumulated Absences), Res. # 2010-274 (Dedication by Rider -

Fire Safety), Res. # 2010-275 (Dedication by Rider - Law Enforcement Trust Fund), Res. # 2010-276 (Dedication by Rider - Parking Adjudication Act), Res. # 2010-277 (Dedication by Rider - Public Defender) and Res. # 2010-278 (Budget Amendments). Business Administrator Jonathan Capp gave a brief explanation.

RESOLUTION # 2010-273

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the Reserve for Accumulated Absence pursuant to NJAC 5:30-15

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve Accumulated Absences as per NJSA 40A:4-39.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2010-274

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the Reserve for Fire Safety.

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a

municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Fire Safety.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2010-275

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by
Rider for the Law Enforcement Trust pursuant
to NJC 2C:64-6

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Law Enforcement Trust.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this

resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2010-276

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the Parking Adjudication Act pursuant to NJS 39:4-139.9

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Parking Adjudication Act as per NJSA 40A:4-39.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

RESOLUTION # 2010-277

Requesting the approval of the Director of the Division of Local Government Services to establish a Dedicated Trust by Rider for the Reserve for Public Defender pursuant to NJS 2B:12-28

WHEREAS, such permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJSA 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to make expenditures from the Reserve for Public Defender.

The Municipal Clerk of the Township of Marlboro is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Council President LaRocca moved up Item 47 on the agenda. The following Res. # 2010-315 (Amending Recreation Code of Conduct) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-315

RESOLUTION AMENDING CODE OF CONDUCT FOR YOUTH
SPORTS EVENTS SPONSORED BY THE MARLBORO
TOWNSHIP DEPARTMENT OF RECREATION AND PARKS

WHEREAS, pursuant to N.J.S.A. 5:17-1 et seq., any sports teams which are member teams in a league organized or affiliated with municipal recreation departments may require that all youth athletes, coaches, officials or parents of youth athletes, as a condition of participation in any athletic program by the youth athlete, agree in writing to a code of conduct which establishes guidelines for the behavior and conduct to be displayed at youth sports events; and

WHEREAS, the Township Council believes that is in the best interests for the health, welfare and safety of the youth of the Township that a Code of Conduct be established to provide guidelines for the behavior and conduct of the youth athletic teams sponsored by the Township Department of Recreation and Parks.

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 a Code of Conduct be established for all youth athletic team recreation programs sponsored by the Township Department of Recreation and Parks in a form substantially the same as that attached hereto as Schedule "A".

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

- a. Superintendent of Recreation
- b. Township Administrator
- c. DeCotiis, Fitzpatrick & Cole, LLP

Council President LaRocca moved up Item #50 on the agenda. The following Res. # 2010-331/Ord. # 2010-22 (Authorizing Lease Midway Mobile/Hamilton Park) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-331

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

ORDINANCE # 2010-22

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE MIDWAY MOBILE HOMEOWNERS' ASSOCIATION, INC., AS TO HAMILTON PARK

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 16, 2010 at 7:00 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 # 2010-22

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND THE MIDWAY MOBILE
HOMEOWNERS' ASSOCIATION, INC., AS TO HAMILTON PARK

WHEREAS, Marlboro Township (hereinafter "the Lessor") holds the right, title and interest in and to certain real property known as Block 147, Lot 43 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, commonly known as Hamilton Park (hereinafter "the Park"); and

WHEREAS, the Midway Mobile Homeowners' Association, Inc. (hereinafter "the Lessee"), is a Title 15A not-for-profit corporation organized under the laws of the State of New Jersey and it is the operator of a twenty six (26) unit mobile home community in Marlboro which is presently located in the Park with said use and occupancy commencing in 1985; and

WHEREAS, on February 1, 1985, the parties entered into a lease agreement which permitted the Lessee to use and occupy the Park for a stated amount of consideration and premised upon the Lessee's performance and abidance of other terms, conditions, and covenants as set forth in that lease agreement; and

WHEREAS, the use and occupancy of the Park by its residents has, since 1985, furthered the purposes of Lessor providing affordable housing to its residents and it continues to do so today; and

WHEREAS, the February 1, 1985, lease agreement has expired and the Lessee is in use and possession on a month-to-month basis with the terms of the 1985 lease continuing to govern the Lessee's tenancy; and

WHEREAS, the parties now desire to continue their relationship and enter into a new lease agreement; and

WHEREAS, following extensive negotiations between the parties a new lease agreement has been drafted and agreed to by the parties and as to the terms, conditions, and covenants of same (hereinafter "the 2010 Lease"); and

WHEREAS, the 2010 Lease was presented to quorum of residents at the Lessee's August 10, 2010, meeting; and

WHEREAS, after having sufficient time to have considered, reviewed, and evaluated the terms of the 2010 Lease, the residents of Hamilton Park and the Lessee unanimously approved the form of the 2010 Lease and wish to be bound by it; and

WHEREAS, the Lessee desires that the 2010 Lease be presented to the Lessor for execution; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Lessor is authorized to adopt an ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14, the Lessor has the power to lease any real property for a public purpose through negotiated agreement; and

WHEREAS, the Lessor has determined that it would serve a public purpose and be to the benefit of the health and welfare of Marlboro Township's citizens for the Lessor to offer a new lease agreement to the Lessee for the benefit of its residents in order to use and occupy the Park for, in part, affordable housing purposes within the Township of Marlboro; and

WHEREAS, the continued leasing of the Park would be in furtherance of the Lessor's commitment, in part, to provide affordable housing within the Township of Marlboro; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c) the following findings are made:

Consideration: \$1,500 per month for the 1st year
 \$2,500 per month for the 2nd year
 CPI increase for years 3-30

Lessee: Midway Mobile Homeowners' Association, Inc.

Public purpose: Affordable Housing

Number of persons
Benefiting: 25 residential units

Location: Hamilton Park, Block 147, Lot 43

Term: 30 years

Responsible agency: The Marlboro Township Affordable Housing Agency

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Mayor is hereby authorized to execute the 2010 Lease agreement which pertains to municipal property located at Block 147, Lot 43 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, commonly known as Hamilton Park, for affordable housing purposes in the Township of Marlboro; and

2. The Mayor and Township Clerk are hereby authorized and directed to execute and witness, any documents which may be required to effectuate the lease of real property located at Block 147, Lot 43 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey; and

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 apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid 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.

The following Res. # 2010-278 (Budget Amendments) was introduced by reference, offered by Council President LaRocca, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-278

RESOLUTION OF THE TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
TO AMEND THE INTRODUCED BUDGET IN ACCORDANCE
WITH THE PROVISIONS OF 40A:4-9

WHEREAS, the local municipal budget for 2010 was introduced on June 21, 2010; and

WHEREAS, the Public Hearing on said budget will be held as advertised; and

WHEREAS, the Township Council desires to amend said introduced budget in accordance with guidance issued by the New Jersey Department of Community Affairs, Division of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth that the following amendments to the introduced budget of 2010 be made:

CURRENT FUND

<u>REVENUES:</u>	<u>From</u>	<u>To</u>
Sheet 4:		
Surplus Anticipated	\$ 1,410,412.80	\$1,291,773.80
Sheet 9:		
SmartGrowth grant	\$ 0.00	\$ 5,000.00
DDEF Grant	\$ 4,629.47	\$ 0.00
Sheet 9A		
Total Section F:		
Special Items of Revenue Anticipated with prior written Consent of the director of Local govt. Services – Public and Private Revenues	\$ 121,819.71	\$ 122,190.24
Sheet 10:		
Utility Operating Surplus Prior Year	\$ 5,700,000.00	\$5,450,000.00
Utility Operating Surplus – Debt Service	\$ 2,833,226.00	\$ 0.00
Capital Surplus	\$ 0.00	\$ 450,500.00
Sheet 10A		
Total Section G:		
Special Item of General Revenue Anticipated With Prior Written Consent of the Director of		

The Division of Local Govt. Services – Other Special Items	\$ 8,657,226.00	\$6,024,500.00
Sheet 11:		
Item 1, Surplus Anticipated	\$ 1,410,412.80	\$1,291,773.80
3. Miscellaneous revenues:		
Total Section F:	\$ 121,819.71	\$ 122,190.24
3. Miscellaneous revenues:		
Total Section G:	\$ 8,657,226.00	\$ 6,024,500.00
3. Miscellaneous revenues:		
Total Miscellaneous Revenues:	\$ 13,077,994.71	\$10,445,639.24
Total Item 5		
Subtotal General Revenues	\$ 15,838,407.51	\$13,087,413.04
Item 6a		
Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 0.00	\$ 0.00
Item 6		
Total Amount to be Raised by Taxes for Support of Municipal Budget:	\$ 0.00	\$ 0.00
Item 7:		
Total General Revenues	\$36,438,407.51	\$33,687,413.04

APPROPRIATIONS

Sheet 15D		
Operations Within “CAPS”		
Employee Group Insurance	\$ 2,457,390.00	\$ 2,303,600.00
Sheet 17		
Total Operations Within “CAPS”	\$23,803,800.00	\$23,650,010.00
Sheet 17		
Total Operations Within “CAPS” including Contingent	\$23,813,800.00	\$23,660,010.00
Sheet 17		
Detail		
Other Expenses	\$ 9,733,450.00	\$ 9,579,660.00

Sheet 19		
Total Gen Appropriations within "CAPS"	\$26,253,384.77	\$26,099,594.77
Sheet 20		
Employee Health Insurance – Outside "CAPS"	\$ 0.00	\$ 153,790.00
Sheet 20A		
Total Other Appropriations – Excluded from "CAPS"	\$ 2,344,798.23	\$ 2,498,588.23
Sheet 24		
SmartGrowth Grant	\$ 0.00	\$ 5,000.00
Sheet 25		
Drunk Driving grant	\$ 4,629.47	\$ 0.00
Special Items of Revenue Anticipated with prior written Consent of the director of Local govt. Services – Public and Private Revenues	\$ 128,955.71	\$ 129,326.24
Total Operations – Excluded from "CAPS"	\$ 2,473,753.94	\$ 2,627,914.47
Sheet 25		
Detail		
Other Expenses	\$ 1,808,753.94	\$1,962,914.47
Sheet 27		
Municipal Debt Service - Excluded from "CAPS"		
Payment of Bond Principal	\$ 3,713,000.00	\$1,518,000.00
Interest on Bonds	\$ 1,079,050.00	\$ 498,500.00
Interest on Notes	\$ 245,500.00	\$ 269,685.00
Sheet 27		
Total Municipal Debt Service – Excluded from "CAPS"	\$ 5,406,268.80	\$ 2,654,903.80
Sheet 28		
(H2) Total General Appropriations for Municipal Purposes excluded from "CAPS"	\$ 8,185,022.74	\$ 5,587,818.27
Sheet 29		
(O) Total Appropriations Excluded from "CAPS"	\$ 8,185,022.74	\$ 5,587,818.27

Sheet 29

(L) Subtotal General Appropriations (Items (H-1) and (O))

	\$34,438,407.51	\$31,687,413.04
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Sheet 29

Item 9 - Total General Appropriations

	\$36,438,407.51	\$33,687,413.04
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Sheet 34:

Dedicated Revenues from Water Utility

Operating Surplus Anticipated	\$ 5,700,000.00	\$ 5,450,000.00
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Capital Surplus Anticipated	\$ 2,193,905.51	\$ 2,436,556.66
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Total Water Utility Revenues	\$ 15,527,990.51	\$15,520,641.66
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Sheet 35:

Capital Improvement Fund	\$ 0.00	\$ 250,000.00
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Debt Service:

Payment of Bond Principal	\$ 1,009,287.51	\$ 3,204,287.51
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Interest on bonds	\$ 0.00	\$ 630,877.15
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Sheet 36:

Surplus Anticipated (General Budget)	\$ 8,533,226.00	\$5,450,000.00
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Total Water Utility Appropriations	\$ 15,527,990.51	\$15,520,641.66
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BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A: 4-9 be published in the Asbury Park Press in the issue of August 18, 2010 and that said publication contain notice of public hearing on the 2010 budget as amended to be held at the Municipal Complex, 1979 Township Drive, Marlboro, NJ on August 24, 2010 at 7 PM.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2010 Local Municipal Budget as amended and adopted.

The following Resolution # 2010-279 (Adoption of 2010 Municipal Budget) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Cantor. Mayor Hornik and Business Administrator Jonathan Capp gave a power point presentation on the 2010 budget. Council President LaRocca opened the Public Hearing on the 2010 Budget. After the public hearing was held and closed,

and after discussion, the following Resolution #2010-279 was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-279

SECTION 2 - UPON ADOPTION FOR YEAR 2010

BE IT RESOLVED by the Township 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 \$20,600,000.00 for municipal purposes, and \$693,724.97 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 President LaRocca opened the Public Hearing on Ordinance # 2010-16 (Bond Ordinance Authorizing General Capital Improvements). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-280/Ord. # 2010-16 (Bond Ordinance Authorizing General Capital Improvements) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 4 - 1 in favor with Councilwoman Mazzola voting no.

RESOLUTION # 2010-280

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

ORDINANCE # 2010-16

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR RECONSTRUCTION OF VARIOUS ROADS AND ENERGY EFFICIENCY IMPROVEMENTS TO PUBLIC BUILDINGS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,558,680 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$958,680 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on July 15, 2010, public hearing held August 24, 2010, be adopted on second and final reading this 24th day of August, 2010.

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

ORDINANCE # 2010-16

AN ORDINANCE OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, PROVIDING FOR
RECONSTRUCTION OF VARIOUS ROADS AND
ENERGY EFFICIENCY IMPROVEMENTS TO
PUBLIC BUILDINGS IN AND FOR THE
TOWNSHIP OF MARLBORO AND APPROPRIATING
\$1,558,680 THEREFOR, AND PROVIDING FOR
THE ISSUANCE OF \$958,680 IN BONDS OR
NOTES OF THE TOWNSHIP OF MARLBORO TO
FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement of purpose, such sums amounting in the aggregate to \$1,558,680, including the aggregate sum of \$585,000 in grants consisting of a \$160,000 2008 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act, a \$200,000 2009 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act, and a \$225,000 2010 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act for the reconstruction of Union Hill Road as described in Section 3(a) of this ordinance, and the

aggregate sum of \$15,000 as the down payments for the improvements or purposes pursuant to the Local Bond Law. The down payments have been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required in connection with the authorization of bonds and notes for the reconstruction of Union Hill Road as described in Section 3(a) of this ordinance as this project is to be funded by State grants from the Transportation Trust Fund.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application

of the several down payments or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$958,680 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: the reconstruction of Union Hill Road between Route 9 and Tennent Road, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$1,258,680
Maximum Amount of Bonds or Notes:	\$ 673,680
Period of Usefulness:	10 years
Grant Money expected to be received:	585,000
Amount of Down Payment:	\$.00

- (b) Purpose: the reconstruction of roads to a class B standard, as provided in the Local Bond Law, such roads to be identified on a list to hereafter be filed in the Clerk's office, and including all other work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost:	\$225,000
Maximum Amount of Bonds or Notes:	\$213,750
Period of Usefulness:	10 years
Amount of Down Payment:	\$ 11,250

- (c) Purpose: energy efficiency improvements to public buildings consisting of improvements to the Township's heating, ventilation and air conditioning system, and including all other work and materials necessary therefor and incidental thereto.

Appropriation and Estimated Cost:	\$75,000
Maximum Amount of Bonds or Notes:	\$71,250
Period of Usefulness:	5 years
Amount of Down Payment:	\$ 3,750

- (d) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

- (e) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate

and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.385 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$958,680, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$175,000 for items of expense listed in and permitted under N.J.S.A.

40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than those identified in Section 8 hereof) shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. As a portion of the total appropriation of \$1,558,680 made in Section 1 hereof, there is herein appropriated for the improvements or purposes described in Section 3(a) hereof the aggregate sum of \$585,000 in grants consisting of a \$160,000 2008 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act, a \$200,000 2009 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act, and a \$225,000 2010 Municipal Aid Program grant from the New Jersey Department of Transportation to be funded from the New Jersey Transportation Trust Fund Authority Act.

Section 9. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law. The foregoing bond ordinance is approved.

Council President LaRocca opened the Public Hearing on Ordinance # 2010-17 (Bond Ordinance Authorizing Water Capital Improvements). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2010-281/Ord. # 2010-17 (Bond Ordinance Authorizing Water Capital Improvements) was introduced by reference, offered by Council Vice President Marder and seconded by Council President LaRocca. After discussion, the resolution/ ordinance was then passed on a roll call vote of 4 - 1 in favor with Councilwoman Mazzola voting no.

RESOLUTION # 2010-281

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

ORDINANCE # 2010-17

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$840,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$840,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

which was introduced on July 15, 2010, public hearing held August 24, 2010, be adopted on second and final reading this 24th day of August, 2010.

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

ORDINANCE # 2010-17

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$840,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$840,000 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$840,000. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$840,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued are the improvements to the Tennent Road and Harbor Road Treatment Plans, Water Meter Replacement, Well Development and Rehabilitation and other system improvements, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond

ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the

Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$840,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-46 and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law. The foregoing bond ordinance is approved.

Council President LaRocca opened the Public Hearing on Ordinance # 2010-18 (Purchase of Two Properties for Affordable Housing Purposes - 137 Route 9 and 100 Amboy Road). After the Public Hearing was held and closed, the following Res. # 2010-282/Ord. # 2010-18 (Purchase of Two Properties for Affordable Housing Purposes - 137 Route 9 and 100 Amboy Road) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-282

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

ORDINANCE # 2010-18

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO PROPERTIES
KNOWN AS 137 ROUTE 9 SOUTH, MARLBORO, NEW JERSEY
AND 100 AMBOY ROAD, MARLBORO, NEW JERSEY
FOR AFFORDABLE HOUSING PURPOSES

which was introduced on July 15, 2010, public hearing held August 24, 2010, be adopted on second and final reading this 24th day of August, 2010.

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

Council took a short recess.

The following Res. # 2010-283/Ord. # 2010-19 (Amending Chapter 295 - Sewers - Private Storm Drain Inlet Retrofitting) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-283

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

ORDINANCE # 2010-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 295, "SEWERS", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY CREATING AND ESTABLISHING A NEW ARTICLE V, "PRIVATE STORM DRAIN INLET RETROFITTING" TO REQUIRE RETROFITTING OF EXISTING STORM DRAIN INLETS TO PREVENT DISCHARGE INTO THE TOWNSHIP OF MARLBORO'S STORM SEWER SYSTEM AND NEW JERSEY STATE WATERS

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 16, 2010 at 7:00 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 # 2010-19

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 295, "SEWERS", OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY CREATING AND ESTABLISHING A NEW ARTICLE V, "PRIVATE STORM DRAIN INLET RETROFITTING" TO REQUIRE RETROFITTING OF EXISTING STORM DRAIN INLETS TO PREVENT DISCHARGE INTO THE TOWNSHIP OF MARLBORO'S STORM SEWER SYSTEM AND NEW JERSEY STATE WATERS

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has issued requirements for stormwater management to prevent discharge of pollutants into municipal storm sewer systems and waters of the State of New Jersey; and

WHEREAS, the Township of Marlboro desires to implement the NJDEP's requirements as to storm water discharge throughout the municipality to prevent the discharge of pollutants into the Township's storm sewer system and New Jersey State Waters.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 295, Sewers, of the Code of the Township of Marlboro be and is hereby amended and supplemented by the creation and establishment of a new Article V, Private Storm Drain Inlet Retrofitting, to

require retrofitting of existing storm drain inlets to prevent discharge into the Township of Marlboro's storm sewer system and New Jersey State waters as follows:

ARTICLE V. Private Storm Drain Inlet Retrofitting.

§295-28. Private Storm Drain Inlet Retrofitting.

A. Retrofitting Mandatory. All existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property shall be retrofitted in accordance with the requirements of this Section to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system operated by the Township of Marlboro, to protect the public health, safety and welfare.

B. For the purpose of this Section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Marlboro or other public body, and is designed and used for collecting and conveying stormwater.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORM DRAIN INLET - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

WATERS OF THE STATE - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct. No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- (1) Already meets the design standard below to control passage of solid and floatable materials; or
- (2) Is retrofitted or replaced to meet the standard in §276-41(D) below prior to the completion of the project.

D. Design Standard. Storm drain inlets identified in §276-41(C) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §276-41(D)(3) below.

- (1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains.

Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- (2) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0)

square inches, or be no greater than two (2.0) inches across the smallest dimension.

(3) This standard does not apply:

i. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

ii. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

iii. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

iv. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement. This Section shall be enforced concurrently by the Director of Community Development and/or his designee and by the Municipal Code Enforcement Officer.

F. Penalties. Any person(s) found to be in violation of the provisions of this Section shall be subject to a fine not to exceed \$500.00 for each storm drain inlet that is not retrofitted to meet the design standards set forth herein.

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.

Council President LaRocca moved up Item #17 on the agenda. Council President LaRocca explained the ordinance. Discussion followed during which Councilman Cantor asked that the ordinance be revised to add the words "volunteer fire and first aid squads. There was a brief discussion between Council members and Louis Rainone, Esq. The following Res. # 2010-285/Ord. # 2010-21 (Amendment to Section 220-17 - Exemptions from fees) was introduced as amended, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-285

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

ORDINANCE # 2010-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", ARTICLE II, "LAND USE PROCEDURES", SECTION 220-17, "EXEMPTIONS FROM FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 16, 2010 at 7:00 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 # 2010-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", ARTICLE II, "LAND USE PROCEDURES", SECTION 220-17, "EXEMPTIONS FROM FEES", OF THE CODE OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220, Land Use and Development, Article II, Land Use Procedures, Section 220-17, Exemptions from Fees, of the Code of the Township of Marlboro be and is hereby amended and supplemented as follows:

§220-17. Exemptions from Fees.

Charitable, philanthropic, fraternal, athletic, recreational, volunteer fire and first aid squads, and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be exempt from the normal application fees required under this chapter. Said exemption shall be granted upon application to the Township Council, along with proof of said tax-exempt status. If granted, said exemption shall be confirmed by resolution of the Township Council.

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.

The following Res. # 2010-284/Ord. # 2010-20 (Amending Chapter 164 - Dumpsters - Regulations to Prevent Discharge into Storm Sewer System) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice

President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-284

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

ORDINANCE # 2010-20

AN ORDINANCE DELETING CHAPTER 164 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "DUMPSTERS", IN ITS ENTIRETY AND REPLACING SAME WITH A NEW CHAPTER 164, "DUMPSTERS", TO INCLUDE REGULATIONS TO PREVENT DISCHARGE INTO THE TOWNSHIP OF MARLBORO'S STORM SEWER SYSTEM AND NEW JERSEY STATE WATERS IN ACCORDANCE WITH REQUIREMENTS ISSUED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

BE IT FURTHER RESOLVED that the same be considered for final passage on September 16, 2010 at 7:00 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 # 2010-20

AN ORDINANCE DELETING CHAPTER 164 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "DUMPSTERS", IN ITS ENTIRETY AND REPLACING SAME WITH A NEW CHAPTER 164, "DUMPSTERS", TO INCLUDE REGULATIONS TO PREVENT DISCHARGE INTO THE TOWNSHIP OF MARLBORO'S STORM SEWER SYSTEM AND NEW JERSEY STATE WATERS IN ACCORDANCE WITH REQUIREMENTS ISSUED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has issued requirements for stormwater management to prevent discharge of pollutants into municipal storm sewer systems and waters of the State of New Jersey; and

WHEREAS, the Township of Marlboro desires to implement the NJDEP's requirements as to storm water discharge throughout the municipality to prevent the discharge of pollutants into the Township's storm sewer system and New Jersey State Waters.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and

State of New Jersey, that Chapter 164, Dumpsters, be and is hereby deleted in its entirety and that a new Chapter 164, Dumpsters, be and is hereby created and established, to include regulations to prevent discharge into the Township of Marlboro's storm sewer system and New Jersey State Waters in accordance with requirements issued by the New Jersey Department of Environmental Protection as follows:

§164-1. Permit required; fee.

No person shall park or leave unattended any waste or refuse container, commonly known as a roll-off dumpster or roll-off container, on or along any street, highway or public property in the Township without having first obtained a permit from the Bureau of Traffic and Safety of the Marlboro Township Police Department. After issuance, said permit shall be valid for a period of 14 days and may be renewed by application to the Bureau of Traffic and Safety for additional fourteen-day periods, if necessary, at the discretion of the Bureau of Traffic and Safety. The cost for each initial or renewal permit shall be \$5.

§164-2. Reflective markers required.

Any roll-off dumpster or roll-off container parked on or along any street, highway or public property in the Township shall be equipped with and display markers consisting of all yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches in order to warn passersby of the presence of a traffic hazard requiring the exercise of unusual care. These panels shall be mounted at the edge of the dumpster at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. The markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway.

§164-3. Prevention of Discharge into Municipal Separate Storm Sewer System and New Jersey State Waters.

A. All dumpsters and refuse containers that are outdoors or exposed to stormwater shall be covered at all times. Any spilling, dumping, leaking, or other discharge of liquids, semi-liquids or solids from dumpsters to the municipal separate storm sewer system(s) operated by the Township and/or the waters of the State of New Jersey are hereby prohibited.

B. For the purpose of this Section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning:

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Marlboro or other public body, and is designed and used for collecting and conveying stormwater.

PERSON - Any individual, corporation, company, partnership, firm, association, political subdivision of the State of New Jersey subject to municipal jurisdiction or entity of any type or formation now known or hereinafter devised.

REFUSE CONTAINER - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags

STORMWATER - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

WATERS OF THE STATE - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster shall ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster shall ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Marlboro.

D. Exceptions to Prohibition.

- (1) Permitted temporary demolition containers;
- (2) Litter receptacles (other than dumpsters or other bulk containers);
- (3) Individual homeowner trash and recycling containers;
- (4) Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; and
- (5) Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

E. Enforcement. This Chapter shall be enforced concurrently by the Marlboro Township Zoning and Code Enforcement Officials and the Marlboro Township Police Department.

§164-4. Violations and penalties.

Violations of any of the provisions of this Chapter shall be punishable by one or more of the following, in the discretion of the Municipal Court Judge: imprisonment in the county jail or in any place provided by the Township for the detention of prisoners for any term not exceeding ninety (90) days, or by a fine not exceeding \$2,000.00, or a period of community service not to exceed ninety (90) days. In case of a continuing violation, each day of the violation shall constitute a separate offense. In the case of a fine imposed upon a corporation, the fine and costs may be collected in a civil action in such manner as may be prescribed by law.

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.

Council President LaRocca moved up Item #41 on the agenda. Councilwoman Mazzola recused herself and left the room. The following Res. # 2010-309 (Authorizing Execution of Redevelopment Agreement K-Land Corp - Entron) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Mazzola).

RESOLUTION # 2010-309

A RESOLUTION AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH AND THE DESIGNATION OF K-LAND CORPORATION AS REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 132, LOT 18

ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY, ALSO DESIGNATED AS THE "ENTRON
INDUSTRIES REDEVELOPMENT AREA", FOR THE DEVELOPMENT OF AN
INCLUSIONARY DEVELOPMENT CONSISTING OF 250 RESIDENTIAL
UNITS OF WHICH 50 UNITS ARE AFFORDABLE FAMILY RENTAL
HOUSING AS WELL AS A RETAIL/OFFICE COMPONENT

WHEREAS, the Township Council of the Township of
Marlboro ("Township Council") authorized the Planning Board
to conduct a preliminary investigation pursuant to N.J.S.A.
40A:12A-6 of the Local Redevelopment and Housing Law,
N.J.S.A. 40A:12A-1, et seq., (the "Act") to determine
whether certain parcels of land in the Township constituted
areas in need of redevelopment pursuant to Resolution
#2005-365; and

WHEREAS, the Planning Board of the Township of
Marlboro ("Planning Board") undertook said investigation
and conducted a public hearing in accordance with the Act
and found that the property known as Block 132, Lot 18, on
the official tax map of the Township of Marlboro, County of
Monmouth, State of New Jersey, (the "Property") satisfied
certain statutory criteria and thus constituted an area in
need of redevelopment in accordance with the Act which was
memorialized in a resolution adopted on August 5, 2009; and

WHEREAS, on September 10, 2009, the Township Council
adopted Resolution #2009-329 accepting the recommendation
of the Planning Board and designating the Property as an
area in need of redevelopment, known as the "Entron
Industries Redevelopment Area"; and

WHEREAS, thereafter the Township prepared a
redevelopment plan entitled "Entron Industries
Redevelopment Plan" (the "Plan") for the Entron Industries
Redevelopment Area, in accordance with the requirements of
the Act, and the Planning Board reviewed the Plan and
recommended its adoption to the Township Council; and

WHEREAS, the Township Council reviewed the Plan and
the Planning Board's recommendation and the Township found
that the Plan proposed the development of an inclusionary
project consisting of 250 residential units of which 50
units are affordable family rental housing as well as a
retail/office development component (the "Project") and
also found that the Plan is consistent with the Housing

Element and Fair Share Plan of the Township and that the Plan addresses a portion of the Township's affordable housing obligation and as a result the Township Council adopted Ordinance Number 2010-9 on May 6, 2010 which adopted the Plan; and

WHEREAS, K-Land Corporation ("Redeveloper") is the contract purchaser of the Property and had previously instituted legal action against the Township for the Township's failure, prior to 2008, to include the Property in the Township's Housing Element and Fair Share Plan; and

WHEREAS, on July 13, 2010, after a public hearing and pursuant to N.J.A.C. 5:96-2.2(a)(2), the Planning Board adopted a revised Housing Element and Fair Share Plan in anticipation of Marlboro Township's re-petition for substantive certification before the Council on Affordable Housing ("COAH"); and

WHEREAS, on July 15, 2010, the Township Council endorsed the Revised Housing Element and Fair Share Plan at a public meeting pursuant to Resolution #2010-244 and the Revised Housing Element and Fair Share Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, the Township is empowered to contract with a redeveloper for the undertaking of a project in furtherance of the Plan; and

WHEREAS, Redeveloper proposes to design, develop, finance and construct the Project as defined herein on the Property; and

WHEREAS, the Redeveloper agrees that the Plan was legally adopted pursuant to a legally valid and unappealable designation of the Property as "an area in need of redevelopment" and further agrees that the Property meets the statutory criteria as an area in need of redevelopment; and

WHEREAS, Redeveloper has requested that it be designated by the Township as the redeveloper for the purpose of building the Project in accordance with the Plan and the Township's Housing Element and Fair Share Plan on the Property; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township has determined to enter into a redevelopment agreement with the Redeveloper; and

WHEREAS, the Redeveloper and the Township have agreed to the terms and conditions of a redevelopment agreement for the redevelopment of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey it hereby authorizes the designation of K-Land Corporation as the Redeveloper for the Property known as Block 132, Lot 18 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey and designated and known as the Entron Industries Redevelopment Area; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that it hereby authorizes the execution of a Redevelopment Agreement with K-Land Corporation, which provides for the redevelopment of the Property known as Block 132, Lot 18 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey and designated and known as the Entron Industries Redevelopment Area, which is consistent with the Entron Industries Redevelopment Plan (described and defined hereinabove); and

BE IT FURTHER RESOLVED, that the Mayor and the Township Clerk are hereby authorized to, respectively, execute and witness, any and all documents, including the Redevelopment Agreement substantially consistent with the form of agreement attached hereto, to effectuate the completion and implementation of the project described herein, subject to final review by general counsel as to legal form and content; and

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

- a. K-Land Corporation
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer
- f. Kenneth Biedzynski, Esq.

g. DeCotiis, FitzPatrick & Cole, LLP

Council President LaRocca moved up Item #35 on the agenda. The following Res. # 2010-303 (Acceptance Vision Plan) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-303

RESOLUTION ACCEPTING THE TOWNSHIP OF
MARLBORO'S COMMUNITY VISION PLAN

WHEREAS, in 2008 the Township of Marlboro received a grant from DCA's Office of Smart Growth

WHEREAS, the purpose of the grant was for the preparation of a Township wide Community Vision Plan; and

WHEREAS, a Smart Growth Vision Plan Committee was established and Heyer, Gruel and Associates was retained in order to develop the Plan; and

WHEREAS, the Committee and the Planner met periodically through the process and

WHEREAS, an extensive public outreach/visioning process was also undertaken, which included a series of well advertised community meetings, and

WHEREAS, the Community Vision Plan was prepared which includes an evaluation of existing conditions, planning context and history, planning coordination, identified issues, analyzing the trends, goals and objectives, recommendations and implementation strategies

THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that the Community Vision Plan is hereby accepted as the comprehensive long term Township wide policy document detailing the vision of the Township's future and reinforcing the implementation of Smart Growth principles in the Township.

The following Res. # 2010-286 (Authorizing Application to Local Finance Board for Non Conforming Debt Schedule) was introduced by reference, offered by Councilman Cantor and seconded by Council President LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-286

RESOLUTION OF THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, MAKING
APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT
TO N.J.S.A. 40A:2-26(e)

WHEREAS, THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (the "Township"), desires to make application to the Local Finance Board for its review and consent to a non-conforming maturity schedule pursuant to N.J.S.A. 40A:2-26(e) in connection with the sale of a proposed issue of the Township's general obligation bonds;

WHEREAS, the TOWNSHIP COUNCIL OF THE TOWNSHIP believes:

- (a) it is in the public interest to accomplish such purposes;
- (b) such purposes are in compliance with the requirements of N.J.S.A. 40A:2-26(e);
- (c) said purposes or improvements are for the health, wealth, convenience or betterment of the inhabitants of the Township;
- (d) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Auditor, Chief Financial Officer and Bond Counsel, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township of Marlboro is hereby directed to file a copy of this Resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

The following Res. # 2010-287 (Authorizing Contract Hutchins, Farrell - Preparation of Official Statement) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Marder and passed on a roll call vote of 4 - 1 in favor with Councilwoman Mazzola voting no.

RESOLUTION # 2010-287

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN HUTCHINS, FARRELL, MEYER & ALLISON, P.A. AND THE TOWNSHIP OF MARLBORO FOR THE PREPARATION OF AN UPDATED OFFICIAL STATEMENT (OS) IN CONNECTION WITH THE PROPOSED 2010 ISSUANCE OF GENERAL IMPROVEMENT BONDS

WHEREAS, the Township of Marlboro needs to have a Preliminary Offering Statement and Official Statement prepared in connection with the proposed 2010 issuance of General Improvement Bonds (the "Professional Services"), same to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such Professional Services are to be performed and rendered by a person or persons licensed and authorized by law to provide such financial advisory services, and accordingly, such services constitute professional services exempt from public

bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, Hutchins, Farrell, Meyer & Allison, P.A. previously served as the Auditor for Marlboro Township and recently prepared the Official Statement for the Water Utility bonds issued in January of 2010; and

WHEREAS, the Township received a proposal dated June 28, 2010 (the "Proposal") from Hutchins, Farrell, Meyer & Allison, P.A. (the "Business Entity") for the Professional Services, which sets forth the terms and conditions under which such Professional Services are to be rendered by 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; and

WHEREAS, it has been determined that the value of the contract shall not exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds will be available in various capital accounts for this purpose; 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.

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 confirms the appointment of Hutchins,

Farrell, Meyer & Allison, P.A to provide the financial advisory services described (the "Professional Services"), and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; 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) for a total amount not to exceed \$10,000.00, as set forth in Hutchins, Farrell, Meyer & Allison, P.A's Proposal dated June 28, 2010, a copy of which is attached hereto and made a part hereof; and

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

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

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

6. That funds will be available in various capital accounts for this purpose for a total amount not to exceed \$10,000.00; and

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Hutchins, Farrell, Meyer & Allison, P.A
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-288 (Authorizing Acceptance of Municipal Audit) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-288

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Res. # 2010-289 (Authorizing Acceptance of MTMUA Audit) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-289

WHEREAS, the dissolution of the Marlboro Township Municipal Utilities Authority (MTMUA) was completed as of January 31, 2010; and

WHEREAS, the services of Wiss & Company were retained to complete an independent third party audit from the commencement of operations in the new fiscal year on December 1, 2009 through the January 31, 2010 dissolution date; and

WHEREAS, such audit has been completed and has been filed with the Division of Local Government Services and is also on file in the office of the Township Clerk; and

WHEREAS, this Audit and the documentation of the opening balances of the newly formed Water Utility directly impact the budget considerations given during the process of the preparation of the 2010 Marlboro Township Municipal Budget submitted to the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the audit of the operations of the Marlboro Township Municipal Utilities

Authority (MTMUA) for the period of December 1, 2009 through January 31, 2010 is hereby accepted by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey.

BE IT FURTHER RESOLVED that the January 31, 2010 closing balance sheet figures (GAAP Accounting) have been converted to the February 1, 2010 opening balances of the operations of the Marlboro Township Water Utility (OCBOA Accounting) by the Independent Auditors of the Township of Marlboro as reflected in the attached schedule.

Councilman Cantor recused himself and left the room. The following Res. # 2010-290 (Authorizing LOSAP Payments) 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 # 2010-290

WHEREAS, the Township of Marlboro makes annual LOSAP contributions (Length of Service Awards Program), for the volunteers who meet the annual qualifications as certified by the LOSAP Chairman of both the Marlboro and Morganville First Aid Squads, and

WHEREAS, the Township of Marlboro passed Ordinance 2008-2 in 2008 which prospectively increased the annual LOSAP contribution by the amount of the regional Consumer Price Index, and

WHEREAS, the LOSAP contribution for the calendar year of 2009 will be made from the 2010 municipal budget, and

WHEREAS, the regional CPI (Consumer Price Index) for the purpose of adjusting the annual LOSAP contribution made on behalf of every qualifying volunteer was zero leaving the annual contribution at \$1,190.25 per qualifying participant.

NOW, THEREFORE, BE IT RESOLVED by resolution of the Township Council of the Township of Marlboro that the 2009 payments associated with the LOSAP program to be made from the 2010 municipal budget be made pursuant to the attached

participant listings which have been submitted by the LOSAP Chairman from each squad.

Marlboro First Aid Squad

42 Qualifying Members @ \$1,190.25 = \$49,990.50

Morganville First Aid Squad

29 Qualifying Members @ \$1,190.25 = \$34,517.25

Total Payment = \$84,507.75

The following Res. # 2010-291 (Authorizing Release/Substitution Letter of Credit Rosemont Estates) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-291

RESOLUTION AUTHORIZING THE REPLACEMENT OF IRREVOCABLE
STANDBY LETTERS OF CREDIT FOR THE SITE KNOWN AS
ROSEMONT ESTATES, SECTIONS 1, 2, 3, and 4

WHEREAS, the Developer, Rosemont Estates II, LLC (the "Developer") delivered four (4) Irrevocable Standby Letters of Credit issued by Sovereign Bank, Nos. 2546 for Section 1, 3037 for Section 2, 3231 for Section 3, and 3232 for Section 4 in the amounts of \$74,481.21, \$57,129.51, \$66,511.87, and \$36,864.12, respectively, (the "Current LOCs") for site improvements on property known as Block 193, Lot 51, Township of Marlboro, New Jersey; and

WHEREAS, the Developer desires to replace the Current LOCs with four (4) replacement Irrevocable Standby Letters of Credit issued by Ocean First Bank, Nos. 1208 (Section 1), 1206 (Section 2), 1207 (Section 3), and 1205 (Section 4) in the respective amounts of \$74,481.21, \$57,129.51, \$66,511.87, and \$36,864.12 (collectively, the "Replacement LOCs"); and

WHEREAS, Developer requests that the Township accept the Replacement LOCs and release and return the

Current LOCs issued by Sovereign Bank to the Developer's Attorney, Terry R. Zuckerman, Esq. of Pollack and Zuckerman; and

WHEREAS, the Township Council is amenable to the release and return of the Current LOCs issued by Sovereign Bank and the posting of the Replacement LOCs issued by Ocean First Bank as guarantee of Developer's performance for the site improvements.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it hereby authorizes the release and return of the Performance Guarantee in the form of Irrevocable Standby Letters of Credit issued by Sovereign Bank, Nos. 2546 for Section 1, 3037 for Section 2, 3231 for Section 3, and 3232 for Section 4 in the amounts of \$74,481.21, \$57,129.51, \$66,511.87, and \$36,864.12, respectively, for site improvements on the property known as Block 193, Lot 51, Township of Marlboro, New Jersey, and the return of same to the Developer's Attorney, Terry R. Zuckerman, Esq. of Pollack and Zuckerman; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the four (4) replacement Irrevocable Standby Letters of Credit issued by Ocean First Bank, Nos. 1208 (Section 1), 1206 (Section 2), 1207 (Section 3), and 1205 (Section 4) in the respective amounts of \$74,481.21, \$57,129.51, \$66,511.87, and \$36,864.12, for site improvements on the property known as Block 193, Lot 51, Township of Marlboro, New Jersey; and

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

- a. Terry R. Zuckerman, Esq. of Pollack and Zuckerman
- b. Sovereign Bank
- c. Ocean First Bank
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Engineer
- g. Township Chief Financial Officer
- h. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-292 (Denial of Bond Release - A+ Warehousing) was introduced by reference, offered by Council President LaRocca and seconded by Councilman Cantor. Discussion followed during which CME Associates Engineer Laura Neumann, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-292

RESOLUTION DENYING REQUEST FOR RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS A+ PUBLIC WAREHOUSING, BLOCK 360.02, LOTS 12 & 13, 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 A+ Group for release of the Township held Performance Guarantees in the form of a bond and cash deposit for site improvements ("Public Improvements") on the Site known as "A+ Public Warehousing" (the "Site"), property known as Block 360.02, Lots 12 & 13, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by A+ Public Warehousing, LLC & MCS Realty Holding, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 30, 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 aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. 06-006, issued by First Washington State Bank in the amount of \$164,566.10 and cash deposit in the amount of \$18,285.12 posted by the Developer and being held by the Township, not be released as a result of deficiencies noted in the Township Engineer's report; and

WHEREAS, the Township Council desires to deny the request for release of the

Performance Guarantees in accordance with the recommendation of the Township Engineer.

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 request for the release of the above-described Performance Guarantee in the form of a Bond, Bond No. 06-006, issued by First Washington State Bank in the amount of \$164,566.10 and cash deposit in the amount of \$18,285.12 posted by the Developer and being held by the Township, is hereby denied.

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

- a. A+ Group
- b. First Washington State 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. # 2010-293 (Bond Reduction Hindu American Temple) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor. Discussion followed during which CME Associates Engineer Laura Neumann, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-293

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS HINDU
AMERICAN TEMPLE, BLOCK 147, LOT 13,
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 Hindu American Temple and Cultural Center for a reduction in the Township held Performance Guarantees in the form of a cash deposit for Water Improvements ("Public Improvements") on the Site known as "Hindu American Temple" (the "Site"),

property known as Block 147, Lot 13, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Hindu American Temple and Cultural Center (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated August 6, 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 cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee cash deposit amount in accordance with the recommendation of the Township Engineer's report dated August 6, 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 cash deposit posted by the Developer, Hindu American Temple and Cultural Center, for the site known as Hindu American Temple located on property known as Block 147, Lot 13, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Cash Deposit, in the original and present amount of \$143,932.80 shall be reduced by \$100,752.96, so that the amount to remain shall be \$43,179.84; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Hindu American Temple and Cultural Center
- 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. # 2010-294 (Bond Reduction Saratoga Estates) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council Vice President Marder. Discussion followed during which CME Associates Engineer Laura Neumann, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 1 in favor with Council President LaRocca voting no.

RESOLUTION # 2010-294

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS TRIANGLE VALLEY
(SARATOGA ESTATES), BLOCK 159, LOT 10,
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 K. Hovnanian at Marlboro Township IX, LLC for a reduction in the Township held Performance Guarantees in the form of a bond and cash deposit for water system improvements ("Public Improvements") on the Site known as "Triangle Valley (Saratoga Estates)" (the "Site"), property known as Block 159, Lot 10, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by K. Hovnanian at Marlboro Township IX, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated August 6, 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 report dated August 6, 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 bond and cash deposit posted by the Developer, K. Hovnanian at Marlboro Township IX, LLC, for the site known as Triangle Valley located on property known as Block 159, Lot 10, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Bond (Fidelity and Deposit Company of Maryland, Bond No. 8827337), in the original amount of \$160,668.14 and present amount of \$80,334.07, shall be reduced by \$32,133.63, so that the remaining amount shall be \$48,200.44.
2. The Cash Deposit, in the original amount of \$17,852.02 and present amount of \$8,791.01 shall be reduced by \$3,435.41, so that the amount to remain shall be \$5,355.60; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Township and the resolution of any valid homeowners' complaints; 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 IX, LLC
- b. Fidelity and Deposit Company of Maryland
- 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. # 2010-295 (Bond Reduction Flex Space) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola. Discussion followed during which CME Associates Engineer Laura Neumann, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-295

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS FLEX SPACE OF MARLBORO, BLOCK 360.02,
LOT 15, 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 Timber Associates, LLC for a reduction in the Township held Performance Guarantees in the form of a bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Flex Space of Marlboro" (the "Site"), property known as Block 360.02, Lot 15, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Timber Associates, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 29, 2010 and revised August 10, 2010, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a 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 report dated June 29, 2010 and revised August 20, 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 bond and cash deposit posted by the Developer, Timber Associates, LLC, for the site known as Flex Space of Marlboro located on property known as Block 360.02, Lot 15, Township of Marlboro, New Jersey, shall be reduced as follows:

2. The Surety Bond (American Southern Insurance Co.), Surety Bond No. 8822017668), in the original and present amount of \$540,000.000, shall be reduced by \$377,990.93, so that the remaining amount shall be \$162,009.07.

2. The Cash Deposit, in the original and present amount of \$60,076.30 shall be reduced by \$42,075.29, so that the amount to remain shall be \$18,001.01; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any and all outstanding review and/or inspections fees required by the Planning Board and/or Township and the resolution of any valid homeowners' complaints; and

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

- a. Timber Associates, LLC
- b. American Southern Insurance Co.
- 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. # 2010-296 (Bond Release - Tennent Estates) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council President LaRocca. Discussion followed during which CME Associates Engineer Laura Neumann and Louis Rainone, Esq. answered Council's questions. After discussion, the resolution was passed on a roll call vote of 3 - 2 in favor with Council President LaRocca and Councilman Cantor voting no.

RESOLUTION # 2010-296

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES FOR THE SITE KNOWN AS TENNENT ESTATES,
BLOCK 147, LOT 32, 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 Tennent Estates, LLC for release of the Township held Performance Guarantees in the form of a bond and letter of credit for site improvements ("Public Improvements") on the Site known as "Tennent Estates" (the "Site"), property known as Block 147, Lot 32, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Tennent Estates, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated June 28, 2010 and as revised June 30, 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 aforesaid report recommends that the current Performance Guarantee in the form of a bond, Bond No. 5011633 issued by Bond Safeguard Insurance Company in the amount of \$1,230,805.15, previously reduced pursuant to Resolution #2008-121 to the amount of \$525,236.56, and Letter of Credit, Letter No. OD05000542 issued by Valley National Bank in the amount of \$136,756.13, previously reduced pursuant to Resolution #2008-121 to the amount of \$58,359.62 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$170,945.16; 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. 5011633 issued by Bond Safeguard Insurance Company in the amount of \$1,230,805.15, previously reduced pursuant to Resolution #2008-121 to the amount of \$525,236.56, and Letter of Credit, Letter No. OD05000542 issued by Valley National Bank in the amount of \$136,756.13, previously reduced pursuant to Resolution #2008-121 to the amount of \$58,359.62 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$170,945.16; and

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

- a. Tennent Estates, LLC
- b. Bond Safeguard Insurance Company
- c. Valley National Bank
- d. Mayor Jonathan L. Hornik
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Engineer
- h. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-297 (Authorizing Grant Applications to NJDOT for Road Improvements - Vanderburg Road) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. Discussion followed during which CME Associates Engineer Laura Neumann, answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-297

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO VANDERBURG ROAD PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Marlboro Township-00567 to the New Jersey Department of Transportation on behalf of the Township.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Marlboro Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

The following Res. # 2010-298 (Authorizing Grant Applications to NJDOT - Pedestrian Safety Sidewalk Improvements Project) was introduced by reference, offered

by Council Vice President Marder and seconded by Councilman Cantor. There was a brief discussion between Mayor Hornik and Council President LaRocca with regard to not including sidewalks on Hobart Street in the project, as the residents objected to them. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-298

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PEDESTRIAN SAFETY SIDEWALK IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as SST-2011-Marlboro Township-00067 to the New Jersey Department of Transportation on behalf of the Township.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Marlboro Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

The following Res. # 2010-299 (Contract Amendment CME Engineering Services - Emergency Repairs - Redevelopment of Well #1) was introduced by reference, offered by Council Vice President Marder and seconded by Council President LaRocca. Discussion followed, during which CME Associates Engineer Laura Neumann, was present and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5-0 in favor.

RESOLUTION # 2010-299

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE EMERGENCY REDEVELOPMENT OF WELL NO. 1

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township Engineer reported that Well No. 1 which supplies groundwater to the Harbor Road Treatment Plant was out of commission; and

WHEREAS, the Township Engineer further reported that all four (4) wells must be operable during peak months in order to meet the water demands of the system's customers; and

WHEREAS, the current condition poses a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, CME Associates provided a proposal dated June 9, 2010 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro Water Utility Division and CME Associates have entered into a Professional Services Contract, awarded under a 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 Project at a fee not to exceed \$12,500.00 for such Professional Services, as further described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 0-05- -500-501; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro Water Utility Division, to expand the scope of services to include professional engineering services including design and construction phase services ("Professional Services"), in connection with required

emergency improvements of Well No. 1 (the "Project"), at a fee not to exceed \$12,500.00 for such Professional Services, as further described and set forth in CME's Proposal dated June 9, 2010 ("Proposal"), be and is hereby authorized and ratified pursuant to N.J.S.A. 40A:11-6(b); and

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

BE IT FURTHER RESOLVED, that a copy of 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 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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-300 (Contract Amendment CME Engineering Services - Expert Testimony - Tennent Estates) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger. There was a brief discussion between Council members, Mr. Rainone and Ms. Neumann. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-300

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR EXPERT ENGINEERING SERVICES IN CONNECTION WITH THE ESTATE OF MORRIS SCHECHTER v. TENNENT ESTATES, LLC IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has been made a third party defendant in litigation between adjacent

landowners regarding alleged damages as a result of issues regarding the approval of a stormwater management plan; and

WHEREAS, the Township Attorney requires professional engineering expert services (the "Professional Services") in connection with the Estate of Morris Schechter v. Tennent Estates, Block 147, Lot 34, Marlboro Township, New Jersey (the "Case"); and

WHEREAS, CME Associates has provided a proposal dated June 2, 2010 (the "Proposal") for such Professional Services in connection with the Case; and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a 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 a fee not to exceed \$6,000.00 for such Professional Services as further described and set forth in CME's Proposal, attached hereto and made a part hereof; 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 # 0-01- -050-280; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality amend its contract with CME Associates to provide the required additional Professional Services in accordance with the 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, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates 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 an Amendment to the Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include expert engineering services (the "Professional Services") in connection with the Estate of Morris Schechter v. Tennent Estates, Block 147, Lot 34 (the "Case") at a fee not to exceed \$6,000.00 for such Professional Services, as further described and set forth in CME's Proposal dated June 2, 2010 ("Proposal"), attached hereto and made a part hereof, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Amendment to the Professional Services Contract described herein; 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 \$6,000.00 for such additional Professional Services as described in the Proposal; and

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

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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-301 (Authorizing Contract CME - Acting Zoning Officer) was introduced by reference, offered by Council President LaRocca and seconded by Council Vice President Marder. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-301

RESOLUTION APPOINTING CME ASSOCIATES TO
UNDERTAKE ZONING OFFICER DUTIES/RESPONSIBILITIES
ON AN INTERIM BASIS

WHEREAS, the Township of Marlboro is in need of the services of an engineer and/or planner to undertake Zoning Officer Duties/Responsibilities on an interim basis during the Township Zoning Officer's leave (the "Professional Services"), same to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such Professional Services are to be performed and rendered by a person or persons licensed and authorized by law to practice such engineering and/or planning services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated July 20, 2010 (the "Proposal") from CME Associates (the "Business Entity") for the Professional Services, which sets forth the terms and conditions under which such Professional Services are to be rendered by 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; and

WHEREAS, it has been determined that the value of the contract shall not exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in Account #0-01- -075-227 for an amount not to exceed \$15,600.00; 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.

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 confirms the appointment of CME Associates to provide the services of an engineer and/or planner to undertake Zoning Officer Duties/Responsibilities on an interim basis during the Township Zoning Officer's leave (the "Professional Services"), and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; 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 compensation at the rate of \$80.00 per hour at 15 hours per week (estimated), for a total estimated weekly fee of \$2,400.00, with the total amount not to exceed \$15,600.00, as set forth in CME Associates' Proposal dated July 20, 2010, a copy of which is attached hereto and made a part hereof; and

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

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

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

6. That funds are available in Account #0-01- -075-227 for an amount not to exceed \$15,600.00.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. CME Associates
- d. DeCotiis, FitzPatrick & Cole, LLP

Item #34 (Res. #2010-302) was removed from the agenda.

The following Res. # 2010-304 (Appointing CDBG Representative) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-304

APPOINTING TOWNSHIP OF MARLBORO COMMUNITY DEVELOPMENT REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE COUNTY OF MONMOUTH COMMUNITY DEVELOPMENT OFFICE

WHEREAS, the County of Monmouth requires that the Township of Marlboro appoint a Community Development Representative and an Alternate Community Development Representative to act as liaison between County's Community Development staff and the Township of Marlboro; and

WHEREAS, the Mayor & Township Council desire to appoint Robert DiMarco as the Community Development Representative and Jonathan Capp as the Alternate Community Development Representative for the year 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro that Robert

DiMarco is hereby appointed as Community Development Representative to the County of Monmouth Community Development Office and Jonathan Capp be and is hereby appointed as Alternate Community Development Representative.

The following Res. # 2010-305 (Acceptance Mun. Recycling Services Improvement Grant) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-305

RESOLUTION TO AUTHORIZE ACCEPTANCE OF MUNICIPAL
RECYCLING SERVICES IMPROVEMENT GRANT

WHEREAS, the Township of Marlboro had applied to the Monmouth County Solid Waste Advisory Council for a Municipal Recycling Services Improvement Grant in order to provide more visible and convenient recycling services to our residents and businesses; and

WHEREAS, the Township of Marlboro had subsequently received an invitation to submit a final application in the amount of \$15,000.00 in order to purchase roll-off containers for recyclables at its Municipal Recycling Depot; and

WHEREAS, the Township of Marlboro had submitted its final application with appropriate documentation and is now in receipt of a Notice of Intent to Award a municipal grant for the identified purposes; and

WHEREAS, the Township of Marlboro will provide, not later than six months from receipt of an initial check for 50% of the total grant funds, a progress and financial report documenting project status and expenditures and schedule for completion of the authorized recycling improvements;

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro that the Recycling Coordinator is hereby authorized to execute and submit the necessary vouchers, status and financial reports on behalf of the municipality to secure these grant funds.

BE IT FURTHER RESOLVED that the Township of Marlboro will commit such municipal funds as may be required to provide their share of the costs of the approved recycling project and consents to the requirements and payment schedule of the Municipal Recycling Services Improvement Grant procedural guidelines.

The following Res. # 2010-306 (Authorizing Contract Drainage Materials - Campbell) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-306

A RESOLUTION AUTHORIZING CONTRACT TO CAMPBELL MATERIALS AND GARDEN STATE PRECAST, INC. FOR THE SUPPLY OF VARIOUS MATERIALS IN CONNECTION WITH DRAINAGE IMPROVEMENTS WITHIN THE TOWNSHIP OF MARLBORO WATER

WHEREAS, the Township Department of Public Works is in need of catch basin frames and grates, pre-cast catch basins and polyethylene pipe for drainage improvements within the Township of Marlboro; and

WHEREAS, the Township has solicited and received four (4) competitive quotations for the required materials; and

WHEREAS, the Township Administration and the Department of Public Works have reviewed the quotations received and have recommended that Campbell Materials be awarded the contract based upon the lowest quotation received for catch basin frames and grates and pre-cast catch basins in the amount of \$11,430.00; and

WHEREAS, the Township Administration and the Department of Public Works have further recommended that Garden State Pre-Cast, Inc., Inc. be awarded the contract based upon the lowest quotation received for polyethylene pipe in the amount of \$7,933.20; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Accounts G-

07-41-810-301 and X-04-55-960-960 in the amount of \$19,363.20; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Town Administration and Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, that a contract be awarded to Campbell Materials whose address is 1235 Harrison Avenue, Kearny, NJ 07032 for the supply of various materials in connection with drainage improvements within the Township for an amount not to exceed \$11,430.00; and

BE IT FURTHER RESOLVED by the Township Council of the Township of Marlboro, that a contract be awarded to Garden State Precast, Inc. whose address is PO Box 702, Farmingdale, NJ 07727 for the supply of various materials in connection with drainage improvements within the Township for an amount not to exceed \$7,933.20.

The following Res. # 2010-307 (Award of Bid for Road Materials - Trap Rock) was introduced by reference, offered by Council Vice President Marder and seconded by Councilwoman Mazzola. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-307

A RESOLUTION AWARDING CONTRACT TO TRAP ROCK INDUSTRIES, INC. FOR THE PROVISION OF ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Provision of Road Materials; and

WHEREAS, the Township received one (1) bid on August 3, 2010 from the following vendor as follows:

	Unit Price	Estimated Quantity		Estimated Total
Surface Course (I-5)	55.00	4,000 tons		220,000.00
Base Course (I-2)	53.00	300 tons		15,900.00

Tack Coat	no bid	300 gals	0.00
#4 Clean Stone	14.60	500 tons	7,300.00
3/4" Broken Stone	18.25	250 tons	4,562.50
Dense Graded			
Aggregate	13.25	500 tons	6,625.00

\$ 254,387.50

WHEREAS, the Department of Public Works has recommended that the Contract for Provision of Road Materials be awarded to the lowest qualified bidder, Trap Rock Industries, Inc., in the amount of \$254,387.50; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for the Contract in accounts X-04-55-965-901 and G-07-41-810-301 in the amount of \$254,387.50; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Town Administration and Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the Provision of Road Materials for Township of Marlboro Department of Public Works be and hereby is awarded to TRAP ROCK INDUSTRIES, INC., and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and TRAP ROCK INDUSTRIES, INC. in an amount not to exceed \$254,387.50, in accordance with the bid proposal submitted by TRAP ROCK INDUSTRIES, INC.;

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

- a. TRAP ROCK INDUSTRIES, INC.
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2010-308 (Award of Bid for Zinc Orthophosphate (RHG) - Shannon Chemical) was introduced by reference, offered by Councilwoman Mazzola, seconded by

Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-308

A RESOLUTION AWARDING CONTRACT TO SHANNON CHEMICAL CORPORATION FOR THE SUPPLY OF ZINC ORTHOPHOSPHATE FOR THE TOWNSHIP OF MARLBORO WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the Supply of Chemicals for the Township of Marlboro Water Utility Division, and on June 3, 2010, received four (4) bids therefor; and

WHEREAS, the bid specifications indicated that the Township reserved the right to award each item separately to the lowest responsible bidder meeting the specifications; and

WHEREAS, the four (4) bids received were as follows:

Company	Liquid Chlorine	Hydrated Lyme	Zinc Orthophosphate
George S. Coyne Chemical Co, Inc.	2.06/lb	.3540/lb	1.09/lb
Univar USA, Inc.	1.444/lb	No bid	No bid
Carus Corporation	No bid	No bid	.51/lb
Shannon Chemical	No bid	No bid	.537/lb

WHEREAS, in accordance with the recommendation of the Township Administration and the Department of Public Works, awards were made for the purchase of liquid chlorine and hydrated lyme on June 17, 2010; and

WHEREAS, in accordance with the recommendation of the Township Administration and the Department of Public Works, the disposition of a contract award for zinc orthophosphate was deferred to a later date to facilitate the further review, comparison, and evaluation of bids for compliance with published specifications and other relevant and appropriate criteria; and

WHEREAS, following such review, it has been determined that the submission of the lowest bidder for zinc orthophosphate is non-responsive relative to the

specifications and bid documents as detailed in a July 20, 2010 memo drafted by the Attorney for the Water Utility Division; and

WHEREAS, following such review, it has been determined that the submission of the second lowest bidder for zinc orthophosphate is responsive as detailed in a July 20, 2010 memo drafted by the Attorney for the Water Utility Division; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Town Administration and Department of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Shannon Chemical Corporation whose address is PO Box 376, Malvern, PA 19355 for the Supply of Zinc Orthophosphate for the Township of Marlboro Water Utility Division, for a contract amount not to exceed \$17,721.00 per year for a term of two (2) years; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that consideration of a contract award for zinc orthophosphate is hereby deferred pending the receipt of final recommendations from the Township Administration and Department of Public Works regarding same; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with Shannon Chemical Corporation, in accordance with this resolution, the bid specifications, 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 are available for the aforesaid 2010 contract in 0-05- -500-293 in the amount of \$ 17,721.00; and

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

- a. Shannon Chemical Corporation
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer

- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2010-310 (Authorizing Contract Tax Appeal Legal Services - Harry Haushalter, Esq.) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-310

A RESOLUTION AUTHORIZING THE EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT BETWEEN HARRY
HAUSHALTER, ESQ. AND THE TOWNSHIP OF MARLBORO FOR
SPECIAL COUNSEL FOR LEGAL DEFENSE OF
TAX APPEAL SERVICES

WHEREAS, the Township of Marlboro is in need of professional legal services in connection with the defense of tax appeals; and

WHEREAS, the Township has requested proposals through a fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township received a proposal dated December 12, 2009 for legal services (the "Proposal") from Harry Haushalter, Esq. (the "Business Entity") which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process; 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 # 0-01- -050-283; 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 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.

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 awards a Professional Services Contract to the firm of Harry Haushalter, Esq., 2199 Route 33, Suite A, Hamilton Square, NJ 08690 to provide legal services to the Township of Marlboro pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; 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 compensation at the rates specified in the Proposal in a total amount not to exceed \$30,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for 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. That notice of the award of this contract shall be published as required by law; and

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. HARRY HAUSHALTER, ESQ.
- d. DeCotiis, Fitzpatrick & Cole, LLP

The following Res. # 2010-311 (Authorizing Contract Conflict Tax Appeal Legal Services - Mitch Jacobs of Scarinci Hollenbeck) was introduced by reference, offered by Councilman Metzger, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-311

RESOLUTION APPOINTING MITCH JACOBS, ESQ. OF SCARINCI HOLLENBECK AS TOWNSHIP CONFLICT/ALTERNATE ATTORNEY FOR DEFENSE OF TAX APPEALS AND AUTHORIZING A PROFESSIONAL SERVICES CONTRACT THEREFOR FOR THE YEAR 2010

WHEREAS, the Township of Marlboro is in need of the services of a Township Conflict/Alternate Tax Appeal Defense Attorney, to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such legal services, and accordingly, such services constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated June 9, 2010 (the "Proposal") from MITCH JACOBS, ESQ. OF SCARINCI HOLLENBECK (the "Business Entity") for the services of Tax Appeal Defense Attorney which sets forth the terms and conditions under which such services are to be rendered by 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; and

WHEREAS, it has been determined that the value of the contract will not exceed \$17,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # 0-01- - 050-226; 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 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.

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 confirms the appointment of MITCH JACOBS, ESQ. OF SCARINCI HOLLENBECK as Township Conflict/Alternate Attorney for Defense of Tax Appeals, and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; 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 compensation at the rates set forth in SCARINCI HOLLENBECK's Proposal dated June 9, 2010, a copy of which is attached hereto in a total amount not to exceed \$6,750.00; and

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

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

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

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

a. Mayor Jonathan Hornik

- b. Township Administrator
- c. Mitch Jacobs, Esq. of Scarinci Hollenbeck
- d. DeCotiis, Fitzpatrick & Cole, LLP

The following Res. # 2010-312 (Authorizing Contract Amendment Banisch Assoc. - Planning Services - Stattel litigation) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-312

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN BANISCH ASSOCIATES, INC., AND THE TOWNSHIP OF MARLBORO FOR PLANNING SERVICES IN CONNECTION WITH LITIGATION CHALLENGING ORDINANCE #2006-15

WHEREAS, the Township of Marlboro and Banisch Associates, Inc., (the "Contractor") have previously entered into a Professional Services Contract, awarded by Resolutions #2007-88 and #2010-60 pursuant to a non-fair and open process to prepare a planning report and expert testimony in connection with litigation filed against the Township challenging Ordinance #2006-15 for an amount not to exceed \$35,000.00; and

WHEREAS, subsequent to the award of this contract, additional parties joined the litigation against the Township and the Township Attorney has recommended that the Contract be amended to expand the scope of services to include the preparation of an additional planner's report and deposition testimony in connection with the Stattel Farm litigation (the "Additional Services"); and

WHEREAS, the Contractor has provided the Township Attorney with a proposal dated August 9, 2010 which provides the Contractor's estimated cost for services and hourly rates for providing the additional planner's report and deposition testimony in connection with the Stattel Farm litigation in an amount that the Township Attorney estimates will not exceed an additional \$4,000.00; and

WHEREAS, the value of the Contract will exceed \$17,500.00 in the aggregate and the Chief Financial Officer

has certified that funds are available for this purpose from Account #0-01- -050-226; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township to amend the contract of Contractor to provide the Additional Services described and defined hereinabove; 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 therefor, 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, the Contractor has completed and submitted a Business Entity Disclosure Certificate certifying that it has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 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 Professional Services 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 a Professional Services Contract Amendment, in a form legally acceptable to the Township Attorney, between Banisch Associates, Inc., and the Township of Marlboro to provide the above described and defined Professional Services, pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Professional Services Contract Amendment is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide that the total fee for the Additional Services as described hereinabove shall not to exceed \$4,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the Professional Services Contract Amendment, which is attached

hereto, and that sufficient funds are available for said contract from Account Number #0-01- -050-226; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract Amendment and this Resolution shall be made available for public inspection in the Township Clerk's Office; and

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

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

The following Res. # 2010-313 (Setting Special Meeting - Sept. 30, 2010 - 7 PM - Rosemont Clubhouse - 246 Everton Blvd.) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-313

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on September 30, 2010 at 7:00 PM at the Rosemont Estates Clubhouse, 246 Everton Blvd., Marlboro, N. J. 07746. The purpose of the special meeting is to discuss and take action on any items properly brought before the Township Council at that time. Citizen's Voice will be held.

The following Res. # 2010-314 (Prohibiting Left Turns at Marlboro High School and Route 79) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. There was a brief discussion between Chief Bruce Hall and Council members after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-314

RESOLUTION OF SUPPORT FOR THE STATE OF

NEW JERSEY, DEPARTMENT OF TRANSPORTATION
TO INSTITUTE A LEFT TURN PROHIBITION FROM
THE SOUTHERLY DRIVEWAY OF MARLBORO HIGH SCHOOL
ONTO ROUTE N.J. 79 NORTHBOUND FROM 7 A.M. TO 9
A.M. AND 2 P.M. TO 6 P.M. MONDAY THROUGH FRIDAY
WHEN SCHOOL IS IN SESSION

WHEREAS, the Traffic and Safety Bureau of the Township of Marlboro, Division of Police has serious safety concerns for pedestrian and motorist safety regarding left turn movements from the southerly driveway of Marlboro High School onto Route N.J. 79 northbound; and

WHEREAS, the State of New Jersey Department of Transportation Bureau of Traffic Engineering and Investigations ("BTEI") has completed an investigation as to these turning movements and shares the concerns for pedestrian and motorist safety from these turning movements; and

WHEREAS, in order to legally establish a left turn prohibition regulation, the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order ("TRO"); and

WHEREAS, the initial step in the Traffic Regulation Order process requires a resolution of support from the Governing Body of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that it hereby supports the State of New Jersey Department of Transportation determination to promulgate a Traffic Regulation Order that would prohibit left turns out from the Marlboro High School southerly driveway onto Route N.J. 79 northbound between the hours of 7 a.m. to 9 a.m. and 2 p.m. to 6 p.m. Monday through Friday when school is in session; and

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to forward a certified copy of this Resolution of support and concurrence as to the Traffic Regulation Order and proposed turning prohibitions from the southerly driveway of Marlboro High School onto Route N.J. 79 northbound to the State of New Jersey Department of Transportation; and

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

- a. Township of Marlboro Division of Police,
Attention Chief Bruce E. Hall
- b. Mayor Jonathan L. Hornik;
- c. Township Administrator;
- d. State of New Jersey Department of Transportation; and
- e. DeCotiis, Fitzpatrick & Cole, LLP.

The following Res. # 2010-316 (Liquor License Renewal - Just Sports Bar & Grill) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-316

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2010 through June 30, 2011.

1. Just Sports Bar & Grill, Inc. S R 1328 33 003 003

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

Council President LaRocca recused himself and left the room. As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Cantor, seconded Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Council President LaRocca): Res. # 2010-317 (Raffle License Marlboro Pop Warner - On premise 50/50), #2010-318 (Raffle License Mustangs Parent Football Club Corp. - On Premise 50/50), Res. #2010-319 (Raffle License Mustangs Parent Football Club Corp. - On Premise 50/50), Res. #2010-320 (Raffle License Western Mon. Jewish Services - Casino Night), Res. #2010-321 (Raffle License Western Mon. Jewish Services - On Premise 50/50), Res. #2010-322 (Raffle License Marl. El. - On Premise 50/50), Res. #2010-323 (Raffle License Marl. El. - On Premise Merchandise), Res. #2010-324 (Raffle License Marlboro Pop Warner - Off premise Merch), Res. #2010-325

(Redemption Tax Sale Certs. - Various), Res. #2010-326 (Refunds to WMUA - Various), Res. #2010-327 (Refund of Overpayment of Taxes - B. 139, L. 84), Res. #2010-328 (Refund for Overpayment Water Charges), Res. #2010-329 (Redemption Tax Sale Certs. - Various (Additional), and Res. #2010-330 (Refunds for Overpayments - Various).

RESOLUTION # 2010-317

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 13-2010 (On Premise 50/50) be and it is hereby granted to Marlboro Township Pop Warner, 1979 Township Drive, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

Sept. 15, 2010	9AM - 12 PM
Sept. 22, 2010	9AM - 12 PM
Sept. 29, 2010	9AM - 12 PM
Oct. 12, 2010	9AM - 12 PM
Oct. 26, 2010	9AM - 12 PM

at 1979 Township Drive, Marlboro, NJ 07746.

RESOLUTION # 2010-318

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-10 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 11, 2010 at 6:00PM - 9:00PM at Marlboro Township Sports Complex, Wyncrest Road, Marlboro, NJ 07746.

RESOLUTION # 2010-319

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 15-10 (On Premise

50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

September 25, 2010	12:00 - 3:00 PM
October 9, 2010	1:00 - 4:00 PM
November 6, 2010	1:00 - 4:00 PM
November 25, 2010	9:00 - 12:00PM

at Marlboro High School, 95 North Main Street, Marlboro N.J. 07746.

RESOLUTION # 2010-320

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 16-10 (Casino Night) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2010 from 7:00 PM - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2010-321

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 17-10 (On Premise 50/50) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2010 from 7:00 PM - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2010-322

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 18-10 (On Premise 50/50) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 16, 2010 from 7 - 10 PM at Marlboro Elementary School, 100 School Road West, Marlboro, NJ 07746.

RESOLUTION # 2010-323

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 19-10 (On Premise Merchandise) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 16, 2010 from 7 - 10 PM at Marlboro Elementary School, 100 School Road West, Marlboro, NJ 07746.

RESOLUTION # 2001-324

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 20-2010 (Off Premise Merchandise) be and it is hereby granted to Marlboro Township Pop Warner, 1979 Township Drive, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 17, 2010 at 1 PM at 1979 Township Drive, Marlboro, New Jersey 07746.

RESOLUTION # 2010-325

WHEREAS, the rightful owners of several properties Have redeemed tax sale certificates totaling \$139,635.40 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 \$139,635.40 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>
10-91	193/23	R. Rothman	\$41,515.74
52 Amagansett Dr.		411 Grand Ave. Englewood, NJ 07631	
10-15	184/30	U.S. Bank TLSG	768.99
111 Valesi Dr.		50 S 16 th Street Suite 1950 Philadelphia, PA 19102	
10-129	178/2 C0531	Royal Tax Lien	8,077.76
531 Manchester Pl.		Services, LLC 179 Washington Lane Jenkintown, PA 19046	
10-144	421.01/10	Royal Tax Lien	70,149.43
3 Colony Dr.		Services, LLC 179 Washington Lane Jenkintown, PA 19046	
10-146	133/7	Brian Walsh	327.06
35 Wilson Ave.		111 Sandalwood Dr. Marlboro, NJ 07746	
10-80	225/80	Frank J. Festa, Jr.	865.32
12 Liberty Rd.		P.O. Box 97 Scotch Plains, NJ 07076-0097	
10-43	358/1.14	Nasdom, LLC	994.95
42 Witherspoon Way		1527 E. 35 Street Brooklyn, NY 11234	
10-23	262/14	US Bank TLSG	576.67
3 Bruce Rd.		50 S 16 th Street Suite 1950 Philadelphia, PA 19102	
10-12	178/2 C0271	US Bank TLSG	923.30
271 Stratford Pl.		50 S 16 th Street Suite 1950 Philadelphia, PA	

		19102	
10-25	270/71	US Bank TLSG	573.80
	8 Robinson Rd.	50 S 16 th Street	
		Suite 1950	
		Philadelphia, PA	
		19102	
10-28	312/43	US Bank TLSG	576.12
	18 Susan Dr.	50 S 16 th Street	
		Suite 1950	
		Philadelphia, PA	
		19102	
10-29	315/9	US Bank TLSG	710.46
	50 Ottawa Road South	50 S 16 th Street	
		Suite 1950	
		Philadelphia, PA	
		19102	
10-35	173/7 C0272	Nasdom, LLC	774.49
	272 Fairfield Pl.	1527 E. 35 Street	
		Brooklyn, NY 11234	
10-47	360/25.16	Rainbow Associates, LLC	953.63
	14 Livingston Ct.	P.O. Box 117	
		Morris Plains, NJ 07950	
10-73	123/2	FNA Jersey Lien	1,123.25
	3 Tennent Rd.	Services, LLC	
		575 Route 70, 2 nd Fl.	
		P.O. Box 1030	
		Brick, NJ 08723	
10-76	160/45	Frank J. Festa, Jr.	2,015.90
	207 Conway Ct.	P.O. Box 97	
		Scotch Plains, NJ	
		07076-0097	
10-81	264/21	Frank J. Festa, Jr.	1,004.28
	11 Sudbury Rd.	P.O. Box 97	
		Scotch Plains, NJ	
		07076-0097	
10-84	305/73	Frank J. Festa, Jr.	1,187.40
	26 Vista Dr.	P.O. Box 97	
		Scotch Plains, NJ	

07076-0097

10-87	412/307 C0007	Frank J. Festa, Jr.	1,051.79
	7 Thrasher Ct.	P.O. Box 97	
		Scotch Plains, NJ	
		07076-0097	
10-96	101.01/1	US Bank Corp. Trust	655.44
	302 Provincial Dr.	Tax Lien Service Grp.	
		2 Liberty Place	
		50 So. 16 th St.-Ste.1950	
		Philadelphia, PA 19102	
10-110	105/3	Nithi Services, LLC	594.32
	14 Thomas Ln.	20 Almadera Dr.	
		Wayne, NJ 07470	
10-120	178/2 C0009	Josef Hoffmann	828.00
	9 Bennington Pl.	326 Shady Lane	
		Trenton, NJ 08619	
10-124	314/3	Josef Hoffmann	1,061.41
	31 Ottawa Rd. So.	326 Shady Lane	
		Trenton, NJ 08619	
10-169	295/13	US Bank TLSG	577.12
	23 Marc Dr.	50 S. 16 th Street	
		Suite 1950	
		Philadelphia, PA 19102	
10-6	120/11	US Bank TLSG	377.94
	117 Greenwood Rd.	50 S. 16 th Street	
		Suite 1950	
		Philadelphia, PA 19102	
10-10	176/7 C0386	US Bank TLSG	775.89
	386 Hampton Pl.	50 S. 16 th Street	
		Suite 1950	
		Philadelphia, PA 19102	
10-21	255/21	US Bank TLSG	594.94
	19 Georgian Bay Dr.	50 S. 16 th Street	
		Suite 1950	
		Philadelphia, PA 19102	

TOTAL: \$139,635.40

RESOLUTION # 2010-326

WHEREAS, current sewer charges totaling \$ 8,664.39 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 \$ 8,644.39 be refunded to the Western Monmouth Utilities Authority.

Schedule A

Cert #	Block	Lot	Qualifier	Sewer Account	Paid By	Property Location	Amount
08-17	196	36			Plymouth Park Tax Services	32 Overhill Drive	268.95
09-40	380	23		15044	CCTS Capital LLC for US Bank	4 Cross Lane	246.57
09-52	160	66			CCTS Capital LLC for US Bank	415 Coral Court	212.54
09-64	178	2	C0315	11930	CCTS Capital LLC for US Bank	315 Devon Place	113.09
10-35	173	7	C0272	13452	Nasom, LLC	272 Fairfield Place	281.79
10-38	171	36.02		23688	Nasom, LLC	57 Station Road	249.81
10-40	178	2	C0147	13411	Nasom, LLC	147 Tanglewood Place	134.11
10-43	358	1.14		24338	Nasom, LLC	42 Witherspoon Way	281.79
10-44	412.05	12		20756	Nasom, LLC	20 Kinglet Ave	212.54
10-50	301	36		5425	Soheha	30 Duncan Drive	285.06
10-51	349	3		3053	Soheha	30 Amherst Road	208.06
10-75	120	20		8269	Frank J. Festa JR	58 Tennent Road	285.06
10-76	160	45		21043	Frank J. Festa JR	207 Conway Court	28.06
10-78	212	4		3306	Frank J. Festa JR	16 Lawton Road	246.54
10-	225	80		4382	Frank J. Festa JR	12 Liberty Road	213.13

80							
10-81	264	21		4829	Frank J. Festa JR	11 Sudbury Road	248.14
10-82	286	18		13676	Frank J. Festa JR	7 Longfellow Terrace	284.06
10-83	288	29	C0234	14978	Frank J. Festa JR	234 Ravenswood Road	20.47
10-84	305	73		8693	Frank J. Festa JR	26 Vista Drive	212.33
10-86	407	26		9823	Frank J. Festa JR	6 Swan Court	248.13
10-87	412	307	C0007	20120	Frank J. Festa JR	7 Thrasher Court	212.95
10-96	101.01	1		23331	CCTS Capital LLC for US Bank	302 Provincial Drive	210.62
10-97	113	6		8256	CCTS Capital LLC for US Bank	20 John Street	246.68
10-98	116	2		9389	CCTS Capital LLC for US Bank	4 Nolan Road	285.06
10-101	178	2	C0155	13446	CCTS Capital LLC for US Bank	155 Tanglewood Place	86.70
10-106	301	2		5162	CCTS Capital LLC for US Bank	32 Regina Road	244.91
10-107	395	9		14451	CCTS Capital LLC for US Bank	1 Sycamore Court	285.06
10-109	401	17		10752	CCTS Capital LLC for US Bank	26 Cannonade Drive	209.68
10-158	130	1		8234	Vasyl or Maria Kavatsiuk	466 Route 79	\$248.39
10-119	176	7	C0492	17393	Josef Hoffmann	492 Tivoli Court	326.31
10-120	178	2	C0009	12560	Josef Hoffmann	9 Bennington Place	368.08
10-121	178	290	C0228	20665	Josef Hoffmann	228 Hidden Lake Drive	361.25
10-122	193.06	11		21253	Josef Hoffmann	80 Station Road	363.15
10-123	252	11		5848	Josef Hoffmann	4 Ciafardini Court	336.22
10-124	314	3		5473	Josef Hoffmann	31 Ottawa Road South	299.91
10-125	374	2		11219	Josef Hoffmann	65 Homestead Circle	299.19

8,664.39

RESOLUTION # 2010-327

WHEREAS, the attached list in the amount of \$3,344.48 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>
139	84	Michael S. Libraty 316 Dover Court Morganville, NJ 07751	\$3,344.48

RESOLUTION # 2010-328

WHEREAS, the attached list in the amount of \$416.25 known as Schedule "A", is comprised of amounts representing overpayments for 2010 water charges,

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>
295	11	Thomas Lusko 27 Marc Drive Englishtown, NJ 07726	416.25

RESOLUTION #2010-329

WHEREAS, the rightful owners of several properties Have redeemed tax sale certificates totaling \$108,382.31 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 \$108,382.31 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>
09-13 Conover Rd.	160.03/16	Royal Tax Lien Services, LLC 115 West Avenue Suite 300 Jenkintown, PA 19046	\$70,149.43
09-115 139 Tennent Rd.	148/14	Nithi Services, LLC 20 Almadera Dr. Wayne, NJ 07470	632.52
10-11 869 Mariposa Ct.	176/7 C0869	U.S. Bank TLSG 50 S 16 th Street Suite 1950 Philadelphia, PA 19102	882.09
10-38 57 Station Rd.	171/36.02	Nasdom, LLC 1527 E 35 Street Brooklyn, NY 11234	983.35
10-68 2 Lowery Ln.	214.03/4	Marc Markowitz 238 Yellowknife Rd. Morganville, NJ 07751	984.73
10-97 20 John St.	113/6	US Bank Corporate Trust Services Tax Lien Service Group 2 Liberty Place 50 South 16 th St., St.1950 Philadelphia, PA 19102	813.87
10-103 4 Peach Tree Ct.	195/6	US Bank Corporate Trust Services Tax Lien Service Group 2 Liberty Place 50 South 16 th St., St.1950 Philadelphia, PA 19102	1,019.07
10-17 6 Station Rd.	193.02/55	US Bank TLSG 50 S 16 th Street Suite 1950 Philadelphia, PA 19102	775.89

10-158	130/1	Vasyl or Maria Kavatsiuk	867.75
	466 Route 79	449 Mountain Ave. Berkeley Heights, NJ 07922	
09-102	316/12	Nithi Services, LLC	971.04
	8 St. Lawrence Way	20 Almadera Dr. Wayne, NJ 07470	
10-121	178/290 C0228	Josef Hoffmann	889.31
	228 Hidden Lake Dr.	326 Shady Lane Trenton, NJ 08619	
08-1	106/4	N.or D.Remick-Trustee	9,567.10
	31 Wicker Place	P.O. Box 39 Barnegat, NJ 08005	
10-64	106/4	N.or D.Remick-Trustee	625.24
	31 Wicker Place	P.O. Box 39 Barnegat, NJ 08005	
10-27	275/45	US Bank TLSG	877.76
	14 Longfellow Terr.	50 S 16 th Street Suite 1950 Philadelphia, PA 19102	
10-44	412.05/12	Nasdom, LLC	998.64
	20 Kinglet Ave.	1527 E. 35 th Street Brooklyn, NY 11234	
10-86	407/26	Frank J. Festa, Jr.	1,034.94
	6 Swan Ct.	P.O. Box 97 Scotch Plains, NJ 07076-0097	
10-98	116/2	US Bank Corporate	1,064.40
	4 Nolan Rd.	Trust Services Tax Lien Service Group 2 Liberty Pl. 50 South 16 th Street Suite 1950 Philadelphia, PA 19102	
09-91	288/29 C0234	Mr. James C. Older	992.46
	234 Ravenswood Rd.	87 East Mountain Rd. Hillsborough, NJ 08844	

10-83	288/29 C0234	Frank J. Festa, Jr.	797.54
	234 Ravenswood Rd.	P.O. Box 97	
		Scotch Plains, NJ	
		07076-0097	
10-140	371/55	Royal Tax Lien	6,879.64
	28 Homestead Cir.	Services, LLC	
		115 West Avenue	
		Suite 300	
		Jenkintown, PA 19046	
10-52	157/44	Stuart Lasher	6,575.54
	319 Mockingbird Ln.	P.O. Box 83	
		Milltown, NJ 08850	
		TOTAL:	<u>\$108,382.31</u>

RESOLUTION # 2010-330

WHEREAS, the attached list in the amount of \$6,999.87 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>
193.03	29	Carmella C. & Yves	\$3,583.70
		Durand	
		151 Fieldstone Drive	
		Morganville, NJ 07751	
143.08	10	David & Marie L. Ling	3,416.17
		636 Vale Drive	
		Morganville, NJ 07751	
		TOTAL:	<u>\$6,999.87</u>

At 9:40PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing litigation and contract negotiations. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

