

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

January 20, 2011

The Marlboro Township Council held its regularly scheduled meeting on January 20, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Randi Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on January 10, 2011; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman LaRocca, Councilwoman Mazzola and Council President Marder. Council Vice President Cantor and Councilman Metzger were absent.

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

Councilwoman Mazzola moved that the minutes of December 9 & 20, 2010 be approved. This motion was seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor. (Absent: Cantor, Metzger).

Council took a short recess.

The following Res. # 2011-51 (Change Order (Emergency) Snow Plowing Contracts) was introduced by reference, offered by Councilman LaRocca and seconded by Council President Marder. Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-51

A RESOLUTION CONFIRMING CHANGE ORDERS TO THE CONTRACTS WITH TRIPLE C NURSERIES, L.J. PESCE, INC., PREMIUM GROWERS, INC., LUCAS CONSTRUCTION GROUP, INC. AND LUCAS BROTHERS, INC. FOR THE SUPPLY OF CONTRACT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, on September 16, 2010, the Township of Marlboro awarded contracts (R.2010-341) to TRIPLE C NURSERIES, L.J. PESCE, INC., PREMIUM GROWERS, INC., LUCAS CONSTRUCTION GROUP, INC. AND LUCAS BROTHERS, INC. FOR THE SUPPLY OF CONTRACT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the County experienced record snowfall beginning on December 26, 2010 and a State of Emergency was declared by the Governor due to the blizzard conditions; and

WHEREAS, the Township required additional contract snow removal assistance in order to clear Township roadways; and

WHEREAS, the State of New Jersey was unable to clear State highways and on/off ramps in Marlboro in a timely fashion which required additional contract snow removal resources; and

WHEREAS, pursuant to N.J.S.A 40A:11-6, emergency contracts were awarded to TRIPLE C NURSERIES, L.J. PESCE, INC., PREMIUM GROWERS, INC., LUCAS CONSTRUCTION GROUP, INC. AND LUCAS BROTHERS, INC. in order to clear Township and State roadways for safe passage of motorists and emergency response vehicles; and

WHEREAS, the emergency contracts require change orders to the contracts awarded on September 16, 2010 (R.2010-341) as follows:

L.J. Pesce, Inc.	25,550.00
Lucas Brothers, Inc.	28,705.00
Lucas Construction Group, Inc.	50,010.00
Premium Growers, Inc.	35,956.26
Triple C Nurseries	27,490.10
	167,711.36

WHEREAS, on January 6, 2011 under the unfinished business portion of the agenda, the Municipal Council authorized a 2010 Emergency Appropriation of \$370,000 pertaining to the December 26, 2010 snow emergency; and

WHEREAS, funds are available for the change orders in account # 0-01-46-871-099-; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that change orders to the contracts with L.J. Pesce Inc., Lucas Brothers, Inc., Lucas Construction Group, Inc., Premium Growers, Inc. and Triple C Nurseries are hereby authorized in an amount totaling \$167, 711.3.

BE IT FURTHER RESOLVED that

(1) the Mayor is hereby authorized to execute, and the Township Clerk to witness, amendments to the contracts with the L.J. Pesce Inc., Lucas Brothers, Inc., Lucas Construction Group, Inc., Premium Growers, Inc. and Triple C Nurseries, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

(2) a certified copy of this Resolution shall be provided to each of the following:

- a. L.J. Pesce Inc.
- b. Lucas Brothers, Inc.
- c. Lucas Construction Group, Inc.
- d. Premium Growers, Inc.
- e. Triple C Nurseries
- f. Mayor Jonathan Hornik

- g. Township Business Administrator
- h. Township Chief Financial Officer
- i. Township Director of Public Works
- j. DeCotiis, FitzPatrick & Cole LLP

The following Res. # 2011-52 (Authorization to Apply for State of NJ "Cops in Shops" Grant) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-52

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP POLICE DEPARTMENT TO APPLY TO THE STATE OF NEW JERSEY OFFICE OF THE ATTORNEY GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF ALCOHOLIC BEVERAGE CONTROL FOR THE COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2010-2011

WHEREAS, the COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2010-2011 (the "Program") program sponsored by the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Alcoholic Beverage Control supports the prevention of and education regarding alcohol and drug abuse; and

WHEREAS, the Marlboro Township Police Department wishes to apply to the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Alcoholic Beverage Control for the Program.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Alcoholic Beverage Control for the COPS IN SHOPS program.

BE IT FURTHER RESOLVED THAT that Mayor and Township Clerk are hereby authorized to execute the "COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2010-2011" grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

The following Res. # 2011-53 (Bond Release Marlboro Assoc/Diamond Plaza - 167 Route 9 South) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-53

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE PROPERTY KNOWN AS MARLBORO ASSOCIATES/DIAMOND PLAZA, 167 ROUTE 9 SOUTH, BLOCK 270, LOT 16.01, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Township held Performance Guarantees in the form of a performance bond and cash deposit for site improvements ("Public Improvements") on the property known as MARLBORO ASSOCIATES/DIAMOND PLAZA, 167 Route 9 South, Block 270, Lot 16.01, Marlboro, New Jersey, (the "Site") posted by River Birch, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated January 4, 2011 regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantees, in the form of a performance bond, No. AA10006846 issued by The Guarantee Company of North America USA in the original amount of \$260,000 and the present amount of \$188,280.00 and cash deposit in the original amount of \$40,000.00 and present amount of \$20,920.00 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$45,000.00; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning the aforesaid Performance Guarantees.

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 current Performance Guarantees for the Site (as defined and described hereinabove), Performance Bond No. AA10006846 issued by The Guarantee Company of North America USA in the original amount of \$260,000.00 and present amount of \$188,280.00, and cash deposit in the original amount of \$40,000.00 and present amount of \$20,920.00 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in their entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$45,000.00; and

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

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

The following Res. # 2011-54 (Bond Release Guaranteeing Demolition of Existing Bldg - 32 Reids Hill Road) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-54

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE  
FOR THE PROPERTY KNOWN AS 32 REIDS HILL ROAD,  
BLOCK 154, LOT 15, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the

release of Township held Performance Guarantees in the form of a cash deposit posted to guarantee the demolition of a residential dwelling on the property known as 32 REIDS HILL ROAD, Block 154, Lot 15, Morganville, New Jersey, (the "Site") posted by Classic Construction (the "Developer"); and

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

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a cash deposit in the original and present amount of \$3,800.00 posted by the Developer and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning 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 current Performance Guarantee for the Site (as defined and described hereinabove), a cash deposit in the original and present amount of \$3,800.00 posted by the Developer (as defined and described hereinabove) and being held by the Township, be released in its entirety, conditioned upon the payment of all outstanding inspection fee charges to the time of bond release ; and

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

- a. Classic Construction, Inc.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer

f. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2011-55 (Authorize Application to FEMA for Reimbursement of Snow Removal Costs Related to 12/26/10 State of Emergency) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-55

RESOLUTION AUTHORIZING THE MARLBORO OFFICE OF EMERGENCY MANAGEMENT TO APPLY FOR SNOW ASSISTANCE UNDER THE FEMA RESPONSE AND RECOVERY POLICY 9523 FOR THE SNOW EVENT OF DECEMBER 26, 2010

WHEREAS, the County experienced record snowfall beginning on December 26, 2010 and a State of Emergency was declared by the Governor due to the blizzard conditions; and

WHEREAS, the declaration of a State of Emergency by the Governor triggers a process whereby the Township may be reimbursed for costs associated with the emergency response by FEMA; and

WHEREAS, the Township wishes to apply for "Snow Assistance" under the FEMA Response and Recovery Policy 9523 for the snow event that occurred for December 26, 2010.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application for Snow Assistance FEMA Response and Recovery Policy 9523 for the snow event that has occurred for December 26, 2010.

The following Res. # 2011-56 (Authorize Tax Collector to Negotiate Payment Agreements for Delinquent Balances less than \$350.00) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-56

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF  
THE TOWNSHIP OF MARLBORO TO ENTER INTO  
INSTALLMENT PAYMENT AGREEMENTS FOR PROPERTY  
TAX ARREARS AND DELINQUENT WATER CHARGES IN  
AN AMOUNT NOT TO EXCEED THREE HUNDRED AND  
FIFTY (\$350.00) DOLLARS

WHEREAS, N.J.S.A. 54:5-19 authorizes installment  
payment agreements for property tax arrears and other  
charges which would be a lien against real property  
such as delinquent water charges; and

WHEREAS, Kelly A. Hahn, the Tax Collector of the  
Township of Marlboro, has requested approval from the  
Township Council to enter into installment payment  
agreements for property tax arrears and/or delinquent  
water charges in cases of hardship provided the amount  
of the arrears or delinquent charges do not exceed  
Three Hundred and Fifty (\$350.00) Dollars; and

WHEREAS, the installment payment agreements must  
provide payments large enough to pay back the tax  
arrears or delinquent charges and must require that all  
taxes or other charges are kept current as they come  
due; and

WHEREAS, the installment payment agreements must  
be reduced to a written agreement signed by the  
property owner.

NOW, THEREFORE, BE IT RESOLVED, by the Township  
Council of the Township of Marlboro that it hereby  
grants its authority to Kelly A. Hahn, the Tax  
Collector of the Township of Marlboro to enter into  
installment payment agreements for tax arrears and  
delinquent water charges in the case of hardships in an  
amount not to exceed Three Hundred and Fifty (\$350.00)  
Dollars and said installment payment agreements are to  
provide that all taxes or other charges are to be kept  
current as they become due and shall require prompt  
payments of the installment payments agreed to; and

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

- a. Mayor Jonathan L. Hornik
- b. Randi Marder, Council President
- c. Jonathan Capp, Township Business Administrator
- d. Alida Manco, Municipal Clerk
- e. Kelly A. Hahn, Tax Collector
- f. DeCotiis, Fitzpatrick & Cole, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger): Res. #2011-57 (Refunds 2010 Added Assessments - Various), Res. #2011-58 (Refunds 2010 Overpayments - Various), Res. #2011-59 (Redemption Tax Sale Certs - Various), Res. #2011-60 (Refunds 2010 Overbilled Taxes - Various) and Res. #2011-61 (Refunds to WMUA - Various).

RESOLUTION #2011-57

WHEREAS, the Monmouth County Board of Taxation has granted judgments for 2010 Added Assessments as per the attached Schedule "A",

WHEREAS, taxes for the year 2010 have been paid in full, the Tax Collector is directed to refund the amount of \$5,186.78 as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$5,186.78 as noted above.

"SCHEDULE A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>REFUND</u>
180 33 Eric Ct.	46	Brach Eichler, LLC and Defusco, Carmine J. & Elizabeth 101 Eisenhower Pkway. Roseland, NJ 07068	\$2,413.53
115 21 John St.	12	Robert M. & Marnie M. Potterton	229.05

21 John Street  
Morganville, NJ 07751

269	15	Amwell Enterprises, Inc.	2,544.20
Willow Lane		C/O Auciello	
		69 Paterson St.	
		New Brunswick, NJ 08901	
			<u>TOTAL: \$ 5,186.78</u>

RESOLUTION # 2011-58

WHEREAS, the attached list in the amount of \$2,936.19 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>
184	68	GMAC Mortgage	\$ 2,936.19
6	Eisenhower Cir.	P.O. Box 961219	
		Ft. Worth, TX	
		76161-0219	
		Assessed Owners:	
		Marcus F. & Wendy S. Berk	

RESOLUTION #2011-59

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$29,544.51 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 \$29,544.51 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>
10-90	184 80	R. Rothman	\$29,544.51
	5 Churchill Ct.	411 Grand Ave. Englewood, NJ 07631 Assessed Owner: Emmanuel & Suzie Coffy	

RESOLUTION #2011-60

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2010, and,

WHEREAS, the 2010 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$95.40 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
299	33 QFarm	Elon Associates, LLC	\$61.08
	475 Union Hill Rd.	811 Amboy Road Edison, NJ 08837	
214	28.01 QFarm	Angelo & Patricia Schiraldo	15.59
		22 Boundary Road Marlboro, NJ 07746	
388	61	Greenbriar North	18.73
	Topanemus Rd.	Homeowners Assoc. 21 Clubhouse Lane Marlboro, NJ 07746	
TOTAL:			<u>\$95.40</u>

RESOLUTION #2011-61

WHEREAS, current sewer charges totaling \$ 6,235.11 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 \$ 6,235.11 be refunded to the Western Monmouth Utilities Authority.

Schedule A

<b>Lienholder</b>	<b>Cert #</b>	<b>Property Location</b>	<b>Sewer Account #</b>	<b>Amount</b>
Royal Tax Lien Services	10-128	10 East Frances Ave	13124	\$96.00
Royal Tax Lien Services	10-130	178 Nathan Drive	21578	\$496.24
Royal Tax Lien Services	10-135	21-23 School Rd. West	8973	\$476.24
Royal Tax Lien Services	10-136	1 Brandon Road	6501	\$426.81
Royal Tax Lien Services	10-142	23 Colts Run	11858	\$419.73
US Bank for CCTS Capital LLC	09-40	4 Cross Lane	15044	\$243.08
US Bank for CCTS Capital LLC	09-52	415 Coral Court	22818	\$246.62
US Bank for CCTS Capital LLC	09-92	455 Bayberry Court	14245	\$109.00
US Bank for CCTS Capital LLC	09-98	204 Yellowknife Rd	19456	\$235.15
US Bank for CCTS Capital LLC	09-100	44 Vista Drive	10474	\$238.96
US Bank for CCTS Capital LLC	10-107	1 Sycamore Court	14451	\$244.41
US Bank for CCTS Capital LLC	10-108	294 Plum Drive	16229	\$222.92
US Bank for CCTS Capital LLC	10-109	26 Cannonade Drive	10752	\$243.45
Brian Walsh	10-149	4 Evan Drive	15459	\$426.81
Brian Walsh	10-150	6 Drakes Hill Court	21334	\$125.38
Brian Walsh	10-153	11 Longfellow Terr	12993	\$424.73
Brian Walsh	10-154	177 Gordons Corner Rd	5226	\$423.75
Mary Tawadros	08-65	234 Plum Drive	16995	\$426.98
Stuart Lasher	10-53	31 Pueblo Court	20807	\$466.12
Plymouth Park	08-17	32 Overhill Drive	10388	\$242.73
				6,235.11

The following Res. # 2011-62 (Appointment to Zoning Board of Adjustment - Adrienne Spota - four-year term) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

RESOLUTION # 2011-62

RESOLUTION APPOINTING ZONING BOARD  
OF ADJUSTMENT MEMBER

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint ADRIANNE SPOTA to serve as a regular member of the Zoning Board of Adjustment, for a four (4) year term; and

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

That it hereby appoints ADRIANNE SPOTA to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

Res. # 2011-63 (Setting Special Budget Meetings) was deleted from the agenda.

At 8:00PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Metzger).

MINUTES APPROVED: March 3, 2011

OFFERED BY: Mazzola

AYES: 3

SECONDED BY: La Rocca

NAYS: 0

ABSTAIN: Cantor

ABSENT: Metzger

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ALIDA MANCO,  
MUNICIPAL CLERK

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RANDI MARDER,  
COUNCIL PRESIDENT