

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 5, 2011

The Marlboro Township Council held its regularly scheduled meeting on May 5, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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

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

Council President Marder opened the Public Hearing on Ordinance #2011-8. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-65/Ordinance #2011-8 (Amend Chapter 220 - Billboards) 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 # 2011-165

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

ORDINANCE # 2011-8

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220,
"LAND USE AND DEVELOPMENT", ARTICLE III, "ZONING: STANDARDS
AND REGULATIONS", SECTION 220-99, "SIGNS AND OUTDOOR
ADVERTISING REGULATIONS", TO ADD A NEW SECTION
220-99(B)(14) ENTITLED "BILLBOARDS"

which was introduced on April 7, 2011, public hearing held May 5, 2011, be adopted on second and final reading this 5th day of May, 2011.

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

The following Resolution #2011-166 (Waiver of Requirement for Maintenance Bond for Private Improvements - Marlboro Assoc./Diamond Plaza) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-166

RESOLUTION WAIVING THE REQUIREMENT FOR THE POSTING OF
A MAINTENANCE GUARANTEE FOR THE SITE KNOWN AS MARLBORO
ASSOCIATES/DIAMOND PLAZA, #167 NJ STATE HIGHWAY ROUTE 9 SO.,
BLOCK 270, LOT 16.01, 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 River Birch, LLC, for a waiver of the posting of a maintenance guarantee on the Site known as "Marlboro Associates/Diamond Plaza" (the "Site"), property known as Block 270, Lot 16.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by River Birch, 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 January 4, 2011, regarding the completion of the Public Improvements at the Site, and hereby took the following action;

WHEREAS, pursuant to Resolution #2011-53, Performance Guarantee in the form of a Bond, No. AA10006846 issued by The Guarantee Company of North America, USA in the original amount of \$260,000.00, previously reduced pursuant to Resolution #2003-

329 to the amount of \$188,280.00, and cash deposit in the amount of \$40,000.00, previously reduced pursuant to Resolution #2003-329 to the amount of \$20,920.00 posted by the Developer and being held by the Township, are 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 \$45,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that since the development project and the respective improvements are privately owned and maintained, and are not the responsibility of the Municipality, the requirement of the posting of a maintenance guarantee as noted above is hereby waived.

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

- a. River Birch, LLC
- b. The Guarantee Company of North America, USA
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

Resolution #2011-167 (Bond Release Highland Meadows - Version I) was introduced by Councilman LaRocca and seconded by Councilman Metzger. For the record, Louis Rainone, Esq. noted that there were two resolutions presented and Council would be voting on the original resolution in Council's packet. Mr. Rainone explained the legal background and Councilman LaRocca updated council on the history behind Highland Meadows. Discussion followed, during which Kenneth Pape, Esq. was present on behalf of the developer. Council President Marder allowed residents to speak regarding issues with their property. Mayor Hornik and each Council member voiced their concerns on adopting this resolution. After discussion, Resolution #2011-167 was defeated on a roll call vote of 4 against, with Councilman Metzger abstaining.

The following Resolution #2011-168 (Waiver of Requirement for Maintenance Bond - Crine Woods) was introduced by reference,

offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-168

A RESOLUTION AMENDING RESOLUTION # 2011-83 AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS CRINE WOODS, SECTION 1, 2, AND 3, BLOCK 193, LOT 50, TOWNSHIP OF MARLBORO, NEW JERSEY, TO WAIVE THE REQUIREMENT FOR A MAINTENANCE GUARANTEE

WHEREAS, on March 24, 2011, in accordance with a request made pursuant to N.J.S.A. 40:55D-53, the Township Council of the Township of Marlboro adopted Resolution # 2011-83, releasing the performance guarantees for the site known as Crine Woods, Section 1, 2, and 3, Block 193, Lot 50, Township of Marlboro, New Jersey (the "Site"); and

WHEREAS, the release of the performance guarantees, in the form of Performance Bond Numbers S03215, S03703, and S03966 issued by First Indemnity of America Insurance Company in the respective amounts of \$129,791, \$575,059, and \$322,419, and cash deposits in the respective amounts of amount of \$14,421, \$63,896, and \$35,824, ("Performance Guarantees") were 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 guarantee in the respective amount of \$52,569, \$200,056, and \$44,780; and

WHEREAS, Crine, Realty, Inc., the Developer ("Developer") of the Site, has requested that the posting of such maintenance guarantee be waived due to the fact that: (1) the review of the improvements within the Site by the Township Conflict Engineer confirmed that same are in uniformly good condition; (2) there was an extended period of time approaching ten (10) years before the Township released the aforesaid performance guarantees; (3) the Performance Guarantees were posted sixteen (16) years ago and the Site has been complete for approximately ten (10) years, which period is in excess of the time contemplated by the Municipal Land Use Law, for the Site improvements to be subject to a maintenance guarantee; and (5) the Developer has, throughout the ten (10) year period, maintained the improvements at the Site; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Developer's request for the waiver of the

maintenance guarantee requirement and finds that same may be waived as a condition of release for the 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 above-described Performance Guarantee in the form of Performance Bond Numbers S03215, S03703, and S03966 issued by First Indemnity of America Insurance Company in the respective amounts of \$129,791, \$575,059, and \$322,419, and the cash deposits in the respective amounts of \$14,421, \$63,896, and \$35,824 posted by the Developer and being held by the Township, may 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

BE IT FURTHER RESOLVED, that the requirement to post a two (2) year maintenance guarantee in the respective amounts of \$52,569.00, \$200,056.00 and \$44,780.00, be and is hereby waived; and

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

- a. Crine Realty, Inc.
- b. First Indemnity of America Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. Township Conflict
- h. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #201-170 (Authorizing Contract for Engineering Services - Texas Road Sidewalks) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-170

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE TEXAS ROAD SIDEWALK IMPROVEMENTS

WHEREAS, pursuant to the Township's authorized capital plan, engineering services are required for the Texas Road Sidewalk Improvements ("the Project"); and

WHEREAS, Birdsall Services Group has provided a proposal dated April 19, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and Birdsall Services Group 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 \$24,800.00 for such Professional Services, as further described and set forth in Birdsall'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 # X-04-55-968-901; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Birdsall Services Group to provide the required additional Professional Services for the Project 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, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Services Group 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 a Professional Services Contract between Birdsall Services Group and the Township of Marlboro, to expand the scope of services to include PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE TEXAS ROAD SIDEWALK IMPROVEMENTS ("Professional Services"), at a fee not to exceed \$24,800.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated April 19, 2011, 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 Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this 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 \$24,800.00 for such additional Professional Services for the Project 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 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. Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ 07724
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-171 (Authorizing Contract for Engineering Services - Glenbrook Retaining Walls - COAH) was introduced by reference, offered by Councilman Metzger, and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-171

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE RETAINING WALLS AT THE GLENBROOK COMPLEX

WHEREAS, Resolution 2009-377 authorized that the Township shall, by way of its Township Engineers, CME Associates, oversee, review and approve the design plans for the necessary retaining walls repairs at the Glenbrook complex ("the Project") in an amount not to exceed \$15,000.00; and

WHEREAS, the initial project budget contemplated \$150,000.00 in funding for construction costs from the Glenbrook Homeowners Association and \$50,000.00 in professional expenses to be funded through the Affordable Housing Trust Fund; and

WHEREAS, the Glenbrook Homeowners Association underwent a competitive process for the necessary repairs and the low quote exceeded the initial construction budget; and

WHEREAS, the Township is petitioning COAH for use of additional dedicated funds to preserve the critical affordable housing units located at Glenbrook; and

WHEREAS, the Township is need of formal bid specifications as well as construction management services in order to complete the project ("additional services"); and

WHEREAS, CME Associates has provided a proposal dated April 4, 2011 (the "Proposal") for the additional services required in connection with the Project; and

WHEREAS, the Township of Marlboro 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 \$9,500.00 for such Professional Services, as further

described and set forth in CME's Proposal, attached hereto and made a part hereof; and

WHEREAS, the 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 # X-04-55-966-000; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project 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 a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include professional engineering services Township by way of its Township Engineers to oversee, review and approve plans and services in connection with the repair of retaining walls at the Glenbrook complex ("Professional Services"), at a fee not to exceed \$15,000.00 for such Professional Services, as further

described and set forth in CME's Proposal dated June 1, 2010 ("Proposal"), 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 Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this 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 \$9,500.00 for such additional Professional Services for the Project 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 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 Resolution #2011-172 (Authorizing Acceptance of Donation - PBA Trailer) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-172

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DONATION OF A
2011 CAR MATE SPORTSTER CARGO TRAILER BY THE
MARLBORO POLICEMAN'S BENEVOLENT ASSOCIATION
LOCAL 196 AND FRATERNAL ORDER OF POLICE LODGE 15

WHEREAS, the Marlboro Policeman's Benevolent Association Local 196 and Fraternal Order of Police Lodge 15 have purchased a new 2011 Car Mate Sportster Cargo Trailer:

Make: Car Mate
Model: Sportster Cargo CM716EC-HD
Type: Trailer
Year: 2011
Size: 7' x 16'
VIN:5A3C716D9BL001357
Retail Value: \$5,551.00;

and

WHEREAS, the trailer will be used for emergency transportation purposes as determined by the Chief of Police and by officers participating in the Police Unity Tour and other public safety-related functions; and

WHEREAS, the Police Department recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation of the 2011 Car Mate Sportster Cargo Trailer as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Division of Police
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-173 (Authorizing application "Click it or Ticket" Grant - May 23, - June 5, 2011) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-173

RESOLUTION SUPPORTING THE CLICK IT OR TICKET
MOBILIZATION OF MAY 23 - JUNE 5, 2011

WHEREAS, there were 586 motor vehicle fatalities in New Jersey in 2010; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide "CLICK IT OR TICKET" seat belt mobilization from May 23 - June 5, 2011 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93.73% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE, be it resolved that the Township of Marlboro declares its support for the "CLICK IT OR TICKET" seat belt mobilization both locally and nationally from May 23 - June 5, 2011 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Councilman Metzger left the meeting at 9:25 PM.

The following Resolution #2011-174 (Authorizing Contract for Police Communications Systems Maintenance - State Contract) was introduced by reference, offered by Councilwoman Mazzola, and seconded by Councilman Metzger. Discussion followed, during which Chief Hall answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-174

A RESOLUTION AUTHORIZING CONTRACT WITH WPCS INTERNATIONAL INC. FOR THE MAINTENANCE OF PUBLIC SAFETY COMMUNICATION SYSTEMS IN THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT UNDER STATE CONTRACTS A69908 and A52834

WHEREAS, the Township of Marlboro Department Police Department is in need of a contract for 24x7 service and maintenance of the Zetron public safety communication system ("services"); and

WHEREAS, the Police Department has advised that WPCS International Inc. has performed satisfactorily in previous years; and

WHEREAS, the Police Department recommends that the Township obtain the required services through WPCS INTERNATIONAL INC. under State Contract 53766 for an amount not to exceed \$20,400.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Police Department has reviewed the information received and has recommended that WPCS INTERNATIONAL INC. be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number 1-01-312-276 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with WPCS INTERNATIONAL INC. whose address is Lakewood Operations, 1985 Swarthmore Ave., Ste 4, Lakewood, NJ 08701 for the provision of 24x7 service and maintenance of the Zetron public safety communication system under State Contracts A69908 and A52834 in an amount not to exceed \$20,400.00; and

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

- a. APCS International INC.

- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-175 (Authorizing Shared Services Agreement with Marlboro BOE for Bus Transportation) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-175

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO TOWNSHIP BOARD OF EDUCATION FOR BUS
TRANSPORTATION SERVICES OF CHILDREN TO AND FROM THE
TOWNSHIP OF MARLBORO'S 2011 SUMMER RECREATION CAMP PROGRAM

WHEREAS, the Marlboro Township Board of Education (the "Board") owns/leases a fleet of school buses used to transport children to and from schools that comprise the Marlboro Township School District (the "District"); and

WHEREAS, the Township of Marlboro (the "Township") intends to operate a Summer Camp Recreation Camp Program ("Summer Camp") for the Township's resident children, who shall require transportation to and from the Township Recreation Center, as well as transportation to and from the Township Recreation Center to other locations within the Township for Summer Camp activities (the "Transportation Services"); and

WHEREAS, pursuant to N.J.S.A. 18A:39-22, the Board is authorized to permit the use of school buses it owns or leases for the purpose of transporting children and adults participating in a recreation or other program operated by the municipality in which the Board's School District is located; and

WHEREAS, the Township and the Board desire to enter into a Shared Services Agreement to provide Transportation Services for the Summer Camp for the period commencing on or about June 27, 2011 and terminating on August 12, 2011; and

WHEREAS, the costs of the Transportation Services shall be paid by the Township to the Board as follows:

Transportation to and from the Township Recreation Center:

- (1) \$225.00 for each six week Summer Camp participant
- (2) \$190.00 for each five week Summer Camp participant
- (3) \$120.00 for each three week Summer Camp participant

For shuttle services comprising transportation of Summer Camp participants to and from the Township Recreation Center to other locations within the Township, including the Board's District schools and/or the Township Aquatic Center, on a daily basis: a total of \$66,000.00.

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

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

WHEREAS, funds for the transportation services will be available in the Recreation Trust Account #T-17-55-867-288; and

WHEREAS, the Mayor and Marlboro Township Council desire to enter into the proposed Shared Services Agreement with the Board pursuant to the above-described terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute and witness, respectively, the proposed Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for the Marlboro Township Summer Camp Program for the term and conditions described hereinabove; and

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

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Marlboro Township Board of Education
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-176 (Award of Bid #2011-03 Farming - Dimeo) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-176

A RESOLUTION AWARDING A CONTRACT TO MATT ZELEZNIK FOR THE LEASE OF FARMING RIGHTS ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "DIMEO PROPERTY", LOCATED ON CONOVER ROAD AND DESIGNATED AS BLOCK 159, LOT 1 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "DiMeo Property", which is located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on March 15, 2011, received one (1) bid therefor; and

WHEREAS, the one (1) bid received were as follows:

Contractor	Bid Amount (Lease Payment to Township)
Matt Zeleznik	\$500.00

WHEREAS, the Township Administration and the Director of Public Works desire that the Property should be farmed and recommend that this bid be awarded to Matt Zeleznik as the lowest responsible bidder conditioned upon the bidder executing all documents provided in the bid specifications and providing the

Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2011 harvesting season ending on December 31, 2011 for a lease payment to the Township of \$500.00, conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "DiMeo Property" located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik through the Fall 2011 harvesting season ending on December 31, 2011, for a lease payment to the Township of \$500.00, conditioned upon the bidder's execution all documents provided in the bid specifications and provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the property known as the "DiMeo Property" (as more specifically described hereinabove) through the Fall 2011 harvesting season ending on December 31, 2011, for a lease payment to the Township of \$1,000.00; and

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

- a. Matt Zeleznik
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick & Cole LLP

The following Resolution #2011-177 (Award of Bid #2011-03 Farming - Mc Carron) was introduced by reference, offered by

Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-177

A RESOLUTION AWARDING A CONTRACT TO MATT ZELEZNIK FOR THE LEASE OF FARMING RIGHTS ON THE PARCEL OF LAND OWNED BY THE TOWNSHIP OF MARLBORO KNOWN AS THE "MCCARRON PROPERTY", LOCATED ON PLEASANT VALLEY ROAD AND DESIGNATED AS BLOCK 155, LOT 13.03 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "McCarron Property", which is located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on March 15, 2011, received one (1) bid therefor; and WHEREAS, the one (1) bid received were as follows:

Contractor	Bid Amount (Lease Payment to Township)
Matt Zeleznik	\$500.00

WHEREAS, the Township Administration and the Director of Public Works desire that the Property should be farmed and recommend that this bid be awarded to Matt Zeleznik as the lowest responsible bidder conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2011 harvesting season ending on December 31, 2011 for a lease payment to the Township of \$500.00, conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "McCarron Property" located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik through the Fall 2011 harvesting season ending on December 31, 2011, for a lease payment to the Township of \$500.00, conditioned upon the bidder's execution all documents provided in the bid specifications and provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the property known as the "McCarron Property" (as more specifically described hereinabove) through the Fall 2011 harvesting season ending on December 31, 2011, for a lease payment to the Township of \$500.00; and

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

- a. Matt Zeleznik
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. DeCotiis, FitzPatrick & Cole LLP

The following Resolution #2011-178 (Rejection of Bid #2011-04 School Bus Transportation for Recreation) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-178

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR PROVISION OF SUMMER CAMP BUS TRANSPORTATION
FOR THE DEPARTMENT OF RECREATION WITHIN THE
TOWNSHIP OF MARLBORO

WHEREAS, on March 1, 2011, bids were opened for the provision of summer camp bus transportation services for the Department of Recreation within the Township of Marlboro; and

WHEREAS, the Township received a proposal from the Marlboro Board of Education for provision of summer camp bus transportation services;

WHEREAS, the cost proposal from the Marlboro Board of Education is less than that of the apparent lowest responsible bidder;

WHEREAS, the Township has determined that it is in the best interest of the program participants and taxpayers to enter into a shared services agreement with the Marlboro Board of Education for provision of these services and desires to reject all bids; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for provision of summer camp bus transportation services are hereby rejected.

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

The following Resolution #2011-179 (Award of Bid #2011-05A T-Shirts) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-179

A RESOLUTION AWARDING CONTRACT TO CAMPUS COORDINATES
FOR THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND
SIZES FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF T-SHIRTS IN VARIOUS COLORS AND SIZES FOR THE TOWNSHIP OF MARLBORO, and on April 26, 2011, received two (2) bids therefor; and

WHEREAS, the two (2) bids received based upon estimated quantities were as follows:

Vendor		Recreation	Swim	Misc	Total
Campus Coordinates	Freehold	58,452.38	7,168.40	2,937.50	68,558.28
Metuchen Center Inc.	New Bruns	60,855.25	8,137.71	4,780.00	73,772.96

WHEREAS, it has been determined by the Business Administrator and Acting Director of Recreation that the submission of the lowest bidder, Campus Coordinates is responsive; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to CAMPUS COORDINATES whose address is 1711 Ginesi Drive, Freehold, NJ 07728 for a period of one year, in a total amount not to exceed \$46,200.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with CAMPUS COORDINATES 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 in the amount of \$35,000.00 are available for the aforesaid 2011 contract in T-17-56-867-266, \$8,000.00 in 1-07-700-266, \$200.00 in 1-01-083-266 and \$1,200.00 in 1-01-146-266; and

BE IT FURTHER RESOLVED that an amount not to exceed \$1,800.00 for various Municipal Alliance programs will be certified at the time goods are procured and/or following the adoption of the 2012 municipal budget.

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

- a. CAMPUS COORDINATES
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-180 (Award of Bid #2011-06 Janitorial Service) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-180

A RESOLUTION AWARDING CONTRACT TO URUCORP MAINTENANCE & CONTRACTORS INC FOR THE PROVISION OF JANITORIAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for JANITORIAL SERVICES, and on March 15, 2011, received six (6) bids therefor; and

WHEREAS, the six (6) bids received were as follows:

COMPANY		BID PRICE
ABLE CLEANING SERVICE	Burlington	70,000.00
URUCORP MAINTENANCE & CONTRACTORS INC	Wharton	72,120.00
ALL CLEAN BUILDING SERVICES INC	Lawrenceville	73,000.00
ORIENTAL PACIFIC MAINTENANCE CO	Mahwah	79,200.00
OCEAN CLEAN	Cedar Grove	84,000.00
BLUE STRIPES PROPERTY MANAGEMENT INC	Scotch Plains	85,712.00

WHEREAS, following a review of the bids and meeting with the apparent low bidder, ABLE CLEANING SERVICE, it came to light that the low bidder misunderstood the bid specifications; and

WHEREAS, ABLE CLEANING SERVICE has requested that its bid be withdrawn as a result of their misunderstanding of the bid specifications; and

WHEREAS, the second lowest bidder, URUCORP MAINTENANCE & CONTRACTORS INC, is the incumbent vendor and has been performing satisfactorily according to the Director of Public Works; and

WHEREAS, the submission of URUCORP MAINTENANCE & CONTRACTOR INC has been determined to be responsive as detailed in a April 20, 2011 memo by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Administration and Director 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 URUCORP MAINTENANCE & CONTRACTORS INC whose address is 197 SOUTH MAIN STREET, WHARTON, NJ 07885 FOR THE TOWNSHIP OF

MARLBORO DEPARTMENT OF PUBLIC WORKS for a period of one year, in an amount not to exceed \$72,120.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with URUCORP MAINTENANCE & CONTRACTORS INC 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 in the amount of \$ 42,070.00 are available for the aforesaid 2011 contract in 1-01- -122-288, the balance of \$30,050.00 to be funded in the 2012 budget; and

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

- a. URUCORP Maintenance & Contractors, INC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-181 (Authorizing State Contract Purchase of Various Microsoft Software and Operating Systems via Enterprise Agreement) was introduced by reference, offered by Councilman LaRocca and seconded by Council President Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-181

A RESOLUTION AUTHORIZING CONTRACT WITH DELL MARKETING LP FOR THE PURCHASE OF MICROSOFT SERVER AND CLIENT SOFTWARE IN THE TOWNSHIP OF MARLBORO INFORMATION TECHNOLOGY DEPARTMENT UNDER NJ STATE CONTRACT 77003

WHEREAS, the Marlboro Township Information Technology Department, as part of the Township's 2011 Capital Program, has recommended that the Township purchase Microsoft Server and Client software under the NJ State Contract 77003; and

WHEREAS, it is necessary for operations to upgrade the Township's Technology Infrastructure to the latest versions of Microsoft Server and Client software to more efficiently and securely serve the needs of the Township; and

WHEREAS, the most cost-effective way to purchase the software is by entering into an Enterprise Agreement with Microsoft which allows the Township to remain current on any future releases of all software purchased for a period of three years, at which point the Agreement can be extended at reduced costs for another 3 year period; and

WHEREAS, purchasing the software will allow for decreased operating expenses in future operating budgets as existing 3rd party systems are replaced by functionality included in the Microsoft software; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Information Technology Department has reviewed the information received and has recommended that DELL MARKETING LP be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number X-04-55-968-909 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with DELL MARKETING LP whose address is ONE DELL WAY, ROUND ROCK, TX 78682 for the provision of Microsoft Server and Client software under NJ State Contract 77003 in an amount not to exceed \$85,000.00; and

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

- a. DELL Marketing, LP
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-182 (Authorizing Amendment to Contract - Conflict Tax Appeal Counsel) was introduced by reference, offered by Councilman LaRocca, seconded by Council

President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-182

A RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH HARRY HAUSHALTER, ESQ., TO SERVE AS SPECIAL TAX CONFLICT COUNSEL

WHEREAS, the Township Council adopted resolution 2011-7 authorizing an agreement with Harry Haushalter, Esq to provide special tax conflict counsel services; and

WHEREAS, such services were awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, the services of the special tax conflict counsel were required to complete and/or transition pending 2010 files; and

WHEREAS, the Township estimates that it will require additional special tax conflict counsel services beyond the initial estimate; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, 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 November 18, 2010 (the "Proposal") from HARRY HAUSHALTER, ESQ. (the "Business Entity") in response to a Request for Qualifications for the services of special tax conflict counsel issued by the Township 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 in accordance with the provisions of N.J.S.A 19:44A-20.4; 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 sufficient funds in the amount of \$ 5,000.00 are available for the aforesaid 2011 amendment in Account 1-01- -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, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity'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 authorizes and approves an amendment to the Professional Services Contract with HARRY HAUSHALTER, ESQ. pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The amendment to 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 a proposal dated November 18, 2010, in an amount not to exceed \$5,000.00; 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 in accordance with 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. Haryy Haushalter, Esq.
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-183 (Authorizing Discharge of a Mortgage and Mortgage Note - 55 Thrasher Court) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-183

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL
AUTHORIZING THE DISCHARGE OF AN AFFORDABLE HOUSING
AGREEMENT AND A REPAYMENT NOTE AND MORTGAGE WHICH
WERE BOTH DATED DECEMBER 18, 2003, AND BOTH RECORDED
ON JULY 28, 2004, WHICH WERE FILED AGAINST A PROPERTY
LOCATED AT 55 THRASHER COURT, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 55 Thrasher Court, Marlboro, New Jersey ("the Property"), is an affordable unit and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, Marco Lupu was the record owner of the Property;
and

WHEREAS, as part and parcel of the foregoing purchase Marco Lupu executed an Affordable Housing Agreement and a repayment note and mortgage with the foregoing documents being signed on or about December 18, 2003, in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the repayment note and mortgage was subsequently recorded in the Monmouth County Clerk's Office on July 28, 2004, in Mortgage Book OR-8386, at Page 3706 et seq.; and

WHEREAS, the Affordable Housing Agreement was also recorded on July 28, 2004, by the Monmouth County Clerk in Deed Book 8386, at Page 3653 et seq.; and

WHEREAS, the Property was then transferred to Vito Pollaci (the current owner of the Property), by deed from Marco Lupu, dated February 15, 2011, and recorded on February 23, 2011, in Deed Book OR-8879, at Page 8293 et seq., for a stated consideration of \$58,000.00; and

WHEREAS, despite the sale and transfer of the Property from Marco Lupu to Vito Pollaci both the Affordable Housing Agreement and the repayment note and mortgage executed by Marco Lupu in 2003 still remain of record; and

WHEREAS, the foregoing Affordable Housing Agreement and the repayment note and mortgage executed by Marco Lupu should have been discharged at the time of the deed transfer to Vito Pollaci; and

WHEREAS, Vito Pollaci continues to own the Property yet the foregoing Affordable Housing Agreement and the repayment note and mortgage executed by Marco Lupu remain in effect; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release of the foregoing Affordable Housing Agreement and the repayment note and mortgage for the reasons set forth herein and because of the change in ownership from Marco Lupu to Vito Pollaci.

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of Affordable Housing Agreement and discharge of the repayment note and mortgage on the Property as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Affordable Housing Agreement and the repayment note and mortgage as to the Property, the discharge will be recorded in the Monmouth County Clerk's Office;

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

- a. Mayor Jonathan L. Hornik;
- b. Township Business Administrator, Jon Capp;
- c. Thomas P. Howley, Municipal Housing Liaison;
- d. Township Attorney, DeCotiis, Fitzpatrick & Cole, LLP;
- e. Lee R. Lederman, Esq.; and
- f. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

The following Resolution #2011-184 (Authorizing Discharge of a Mortgage Note - 779 Banyan Court) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-184

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A REPAYMENT NOTE AND MORTGAGE DATED AUGUST 26, 2005, AND RECORDED ON NOVEMBER 15, 2005, WHICH WAS FILED AGAINST A PROPERTY LOCATED AT 779 BANYAN COURT, MARLBORO, NEW JERSEY, WHICH AT THE TIME WAS OWNED BY MARC GODINO AND RENEE GODINO BUT IS NOW PRESENTLY OWNED BY JOAN SCHNEIDER

WHEREAS, a residential unit commonly known as 779 Banyan Court, Marlboro, New Jersey ("the Property"), is an affordable unit and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, Marc Godino and Renee Godino were the record owners of the Property prior to the purchase of same by Ms. Schneider; and

WHEREAS, as part and parcel of the foregoing purchase Marc Godino and Renee Godino executed a repayment note and mortgage on or about August 26, 2005, in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro with said repayment note and mortgage being recorded on November 15, 2005, in Deed Book OR-8511, at Page 6162 et seq.; and

WHEREAS, the Property was then sold to Joan Schneider (the current owner of the Property), by deed from Marc Godino and Renee Godino, dated December 28, 2008, and recorded on January 16, 2009, in Deed Book OR-8753, Page 2435 et seq., for a stated consideration of \$90,208.00; and

WHEREAS, despite the sale and transfer of the Property from Marc Godino and Renee Godino to Joan Schneider the repayment note and mortgage executed by the Godinos in 2005 still remains of record; and

WHEREAS, the foregoing repayment note and mortgage from Marc Godino and Renee Godino should have been discharged at the time of the deed transfer to Joan Schneider in 2008; and

WHEREAS, Joan Schneider continues to own the Property yet the foregoing repayment note and mortgage executed by Marc Godino and Renee Godino on or about August 26, 2005, remains in effect and of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing repayment note and mortgage for the reasons sets forth herein and because of the change in ownership from Marc Godino and Renee Godino to Joan Schneider;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of repayment note and mortgage on the Property as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik=s signature of said discharge of the foregoing repayment note and mortgage as to the Property, the discharge will be recorded in the Monmouth County Clerk's Office;

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

- a. Mayor Jonathan L. Hornik;
- b. Township Business Administrator, Jon Capp;
- c. Thomas P. Howley, Municipal Housing Liaison;
- d. Township Attorney, DeCotiis, Fitzpatrick & Cole, LLP;
- e. Joan Schneider;
- f. RMS Title Services, LLC; and
- g. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

The following Resolution #2011-185 (Authorizing Acceptance of Improvements and Final Payment to AMC Industries under 2009 Road Program) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-185

A RESOLUTION APPROVING CHANGE ORDER #2 TO THE EXISTING
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AMC
INDUSTRIES, LLC AND AUTHORIZING FINAL PAYMENT AND
ACCEPTANCE OF 2009 ROAD IMPROVEMENTS

WHEREAS, by Resolution #2009-351 the Township of Marlboro authorized the award of a contract to AMC Industries, LLC for 2009 Road Improvements (the "Project"); and

WHEREAS, by Resolution #2010-049, the Township of Marlboro approved Change Order No. 1 resulting in a decrease in the original contract amount of \$884,433.90 to \$884,247.50, a net decrease of \$186.40; and

WHEREAS, Change Order No. 2 has been requested resulting in a decrease in the previously modified contract amount of \$884,247.50 to \$816,066.34, a net decrease of \$68,181.16; and

WHEREAS, AMC Industries, LLC has failed to make payment to the Township for traffic security in accordance with the contract in the amount of \$41,587.50; and

WHEREAS, the Township has resolved to issue final payment to the vendor in the total amount of \$60,273.79 less the \$41,587.50 owed for traffic security in accordance with the attached executed agreement for a net payment of \$18,686.29; and

WHEREAS, in Letters dated March 24, 2011 and April 13, 2011, the Township Engineer has recommended approval of Change Order No. 2, acceptance of the Project improvements, and issuance of final payment in the amount of \$18,686.29; and

WHEREAS, pursuant to the terms of the contract, AMC Industries, LLC has provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$122,410.00; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's March 24 and April 13 letters and is amenable to approving Change Order #2, accepting the Project improvements and issuing a final payment to AMC Industries, LLC in the amount of \$18,686.29 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Change Order #2 to the existing contract with AMC Industries, LLC, be and is hereby approved, decreasing the previously modified contract total of \$884,247.50 to \$816,066.34, a net decrease of \$68,181.16.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$18,686.29 for work completed by AMC Industries, LLC is hereby approved.

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

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

The following Resolution #2011-186 (Award of Bid - Detention/Retention Basin Maintenance) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman LaRocca. Discussion followed, during which Council President Marder stated that developers pay into the Stormwater Trust Fund. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-186

A RESOLUTION AWARDING CONTRACT TO ABOVE THE MARK
LANDSCAPING FOR DETENTION BASIS MAINTENANCE FOR THE
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for DETENTION BASIN MAINTENANCE, and on April 19, 2011, received four (4) bids therefor; and

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

COMPANY	Table 1 Existing	Table 2 Imminent/ Pending	Total

Above the Mark Landscaping, LLC	Jamesburg	85,600	13,000*	98,600
Clintar Landscaping Management Services	Perrineville	98,640	12,280	110,920
Custom Care Services, Inc.	Wall	108,000	13,200	121,200
Marlboro Lawn & Landscaping	Marlboro	129,280	10,400	139,680

* Bidder carried incorrect value from Table II of bid form to Summary page of bid form. Corrected for purposes of award with no effect on bid results.

WHEREAS, it has been determined by the Business Administrator and Director of Public Works that the submission of the lowest bidder, Above the Mark Landscaping, LLC is responsive; and

WHEREAS, the Director of Public Works has recommended award of bid to the lowest responsible bidder as indicated in a memo dated April 27, 2011; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Administration and Director 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 ABOVE THE MARK LANDSCAPING, LLC whose address is PO BOX 83, JAMESBURG, NJ 08831 FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS for a period of one year, in an amount not to exceed \$98,600.00; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with ABOVE THE MARK LANDSCAPING, LLC 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 in the amount of \$98,600.00 are available for the aforesaid 2011 contract in T-16-58-856-806; and

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

- a. ABOVE THE MARK Landscaping, LLC

- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Director of Public Works
- e. DeCotiis, FitzPatrick & Cole, LLP

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Cantor, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger): Res. #2011-188 (Authorizing Water Payment Installment Agreement - Birbach - 50 Ottawa Road South), Res. #2011-189 (Redemption Tax Sale Certs - Various), Res. #2011-190 (Redemption Tax Sale Certs - Various (2)), Res. #2011-191 (Refunds to WMUA - Various), Res. #2011-192 (Refunds to Water Utility Division - Various), Res. #2011-193 (Raffle License Western Monmouth Jewish Services), and Res. #2011-199 (Raffle License Marlboro Youth Baseball & Softball Assoc.).

RESOLUTION # 2011-188

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP
OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT
AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT
WATER SERVICE CHARGES

WHEREAS, the provisions of *N.J.S.A. 40A:31-12* empower the governing body of a local municipal unit to authorize the payment and liquidation of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is duly authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, Steven Birbach, owner of 50 Ottawa Road South, which is designated as Block 315, Lot 9 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water

Utility Division, receiving water service under Account Number C05204 and Account ID Number 17340; and

WHEREAS, Customer has a delinquent Account balance of \$465.93 which is attributable to water service for the quarterly period or periods ended on or about February 28, 2011, and which was most recently due for payment by March 31, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;
- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including,

without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$465.93, with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

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

RESOLUTION # 2011-189

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$32,163.84 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 \$32,163.84 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>
10-4 4 Emerson Dr.	288/14	US Bank CUST for Pro Capital I, LLC 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owners: Steven & Cyndi Wolf	\$891.05
10-153 11 Longfellow Terr.	286/20	Brian Walsh 111 Sandalwood Dr. Marlboro, NJ 07746 Assessed Owners: Vincent Jr. & Victoria M. Cigna	2,147.26
09-92 455 Bayberry Ct.	288/29 C0455	US Bank CUST for CCTS Capital, LLC Tax Lien Service Gr. 2 Liberty Pl. 50 So. 16 th St. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Miriam Colnick	6,487.74
10-116 455 Bayberry Ct.	288/29 C0455	Nithi Services LLC 20 Almadera Drive Wayne, NJ 07470 Assessed Owner: Miriam Colnick	1,179.62
10-115 27 Church Rd.	264/27.01	Nithi Services LLC 20 Almadera Drive Wayne, NJ 07470 Assessed Owner: James Larsen	1,348.31

11-58 177/20
 24 Hamilton Ave.

US Bank CUST/SASS 20,109.86
 Muni VI DTR TLSG
 2 Liberty Place
 South 16th Street
 Philadelphia, PA 19102
 Assessed Owners:
 Trawinski, Family Ltd.
 Partnership

TOTAL: \$32,163.84

RESOLUTION # 2011-190

WHEREAS, tax sale certificates sold at the 2011 Tax Lien Sale included delinquent sewer charges in the amount of \$28,349.26 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$28,349.26 be refunded to the Western Monmouth Utilities Authority.

Schedule "A"

TSC #	Block	Lot	Qual.	Account #	Assessed Owners	Property Location	Sewer
11-74	105	3		8404	Ace Plus, LLC	14 Thomas Lane	539.96
11-30	106	4		8289	Virgo Municipal Finance Fund LP	31 Wicker Place	539.82
11-81	116	21		8598	Stonefield Investment Fund 1, LLC	19 Lloyd Road	371.17
11-31	119	33		18770	Virgo Municipal Finance Fund LP	44 Rachael Drive	170.77
11-36	119	7		18073	BJI Financial Group Inc.	14 Bernadette Road	244.51
11-93	120	11		19169	Changsheng Lu	117 Greenwood Road	530.87
11-3	120	14		19196	L. Friedman	416 Ironwood Lane	208.52
11-37	122	2		8448	BJI Financial Group Inc.	2 Orchard Parkway	283.79
11-11	123	2		8954	Rose Hill Fund 1, LLC	3 Tennent Road	365.93
11-56	125	4		10548	US Bank for Phoenix	16 Wilson Ave	386.88
11-38	133	7		23157	BJI Financial Group Inc.	35 Wilson Ave	529.45
11-39	143	29		20135	BJI Financial Group Inc.	30 Berkley Court	301.19
11-27	143.1	16		20784	US Bank for Pro Capital 1, LLC	619 Vale Drive	424.27

11-68	147	32.1 8		24824	Alvero Acquisition Corp	20 Ellis Court	515.73
11-83	173	7	C0386	13303	Stonefield Investment Fund 1, LLC	386 Hampton Place	539.72
11-96	176	7	C0713	17204	Changsheng Lu	713 Snowdrop Court	301.03
11-6	176	7	C0719	16980	Nasdom, LLC	719 Snowdrop Court	472.79
11-84	176	7	C0869	17238	Stonefield Investment Fund 1, LLC	869 Mariposa Court	539.47
11-97	176	7	C0969	17754	Changsheng Lu	969 Lilly Court	505.83
11-98	178	2	C0253	12341	Changsheng Lu	253 Colby Place	602.64
11-42	178	2	C0271	12612	BJI Financial Group Inc.	271 Stratford Place	543.23
11-99	178	2	C0273	12601	Changsheng Lu	273 Startford Place	248.11
11-7	178	2	C0315	11930	Nasdom, LLC	315 Devon Place	211.13
11-100	178	2	C0531	11560	Changsheng Lu	531 Manchester Place	271.40
11-102	178	290	C0112	21877	Changsheng Lu	112 Nathan Drive	329.69
11-33	180	83.5 4		26361	Virgo Municipal Finance Fund LP	72 Edgewood Road	371.17
11-70	184	30		19375	Alvero Acquisition Corp	111 Valesi Drive	539.97
11-85	184	27		10019	Stonefield Investment Fund 1, LLC	20 Emerald Drive	200.76
11-104	192	4		13251	Changsheng Lu	35 Stony Hill Drive	234.14
11-17	193	55		21180	Rose Hill Fund 1, LLC	6 Station Road	541.98
11-2	206	10		12862	Josef Hoffmann	26 Rockwell Circle	122.43
11-86	213	33		2892	Stonefield Investment Fund 1, LLC	6 Maywood Drive	512.95
11-105	214	3		22722	Changsheng Lu	3 Crenshaw Court	122.47
11-43	214	4		22717	BJI Financial Group Inc.	2 Lowery Lane	539.63
11-44	214.1	11		20262	BJI Financial Group Inc.	22 Graversham Drive	424.21
11-18	223	2		9529	Rose Hill Fund 1, LLC	12 School Road West	534.48
11-19	223	3		9386	Rose Hill Fund 1, LLC	10 School Road West	534.48
11-106	225	80		4382	Changsheng Lu	12 Liberty Road	188.11
11-28	255	36		5213	US Bank for Pro Capital 1, LLC	59 Church Road	539.54
11-8	262	14		4547	Nasdom, LLC	3 Bruce Road	539.74
11-45	268	21		18224	BJI Financial Group Inc.	16 Crest Drive	532.30
11-107	270	71		4972	Changsheng Lu	8 Robinson Road	423.78

11-46	270	98		5082	BJI Financial Group Inc.	21 Millay Road	458.26
11-63	283	2		4479	Income One	4 Dickinson Lane	331.48
11-108	286	18		13676	Changsheng Lu	7 Longfellow Terr	222.61
11-29	288	14		4956	US Bank for Pro Capital 1, LLC	4 Emerson Drive	537.49
11-25	288	29	C0132	15102	C & E Partners, LLC	132 Sunnymede St	246.41
11-88	288	29	C0234	14978	Stonefield Investment Fund 1, LLC	234 Ravenswood Road	252.27
11-47	288	29	C0416	15821	BJI Financial Group Inc.	416 Bayberry Court	234.97
11-48	295	13		9545	BJI Financial Group Inc.	23 Marc Drive	424.22
11-26	300	41		5498	C & E Partners, LLC	34 Duncan Drive	434.21
11-49	304	9		5036	BJI Financial Group Inc.	72 Church Road	494.17
11-50	312	43		12322	BJI Financial Group Inc.	18 Susan Drive	539.74
11-89	315	9		5168	Stonefield Investment Fund 1, LLC	50 Ottawa Road South	542.87
11-75	320	4		13728	Ace Plus, LLC	16 Jennifer Court	421.91
11-78	334	24		5159	Ace Plus, LLC	1 Woodstock Court	504.70
11-4	339	76		11196	Culmac Investors Inc.	18 Alison Court	385.24
11-9	358	1.14		24338	Nasdom, LLC	42 Witherspoon Way	219.90
11-51	373	14		12656	BJI Financial Group Inc.	36 Harness Lane	523.54
11-90	386	51		9793	Stonefield Investment Fund 1, LLC	9 Lansdale Drive	518.45
11-109	395	12		15048	Changsheng Lu	5 Marigold Lane	498.24
11-52	396	1	C0121	14382	BJI Financial Group Inc.	121 Tangerine Drive	371.17
11-53	396	1	C0295	16260	BJI Financial Group Inc.	295 Plum Drive	542.02
11-110	407	26		9823	Changsheng Lu	6 Swan Court	262.61
11-21	412	142		12409	Rose Hill Fund 1, LLC	8 Crestview Court	467.77
11-10	412	307	C0048	22413	Nasdom, LLC	48 Thrasher Court	604.71
11-54	412	10		19703	BJI Financial Group Inc.	20 Warbler Road	202.72
11-55	412	12		20083	BJI Financial Group Inc.	40 Kingfisher Court	542.87
11-111	412.1	12		20756	Changsheng Lu	20 Kinglet Court	187.41
11-80	421	9.01		24030	Ace Plus, LLC	2 Lecarre Drive	497.26
							28,349.26

RESOLUTION # 2011-191

WHEREAS, current sewer charges totaling \$ 2,036.86 been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer

charges in the amount of \$ 2,036.86 be refunded to the Western Monmouth Utilities Authority.

Schedule A

Block	Lot	Qual	LIENHOLDER	TSC #	PROPERTY LOC.	SEWER ACCT.	AMOUNT DUE
103	7		Vasyl or Maria Kavatsiuk	10-156	132 Texas Road	8394	\$520.83
192	25		WELLS FARGO on Behalf of Reingold		60 Stony Hill Drive	16848	\$15.00
198	9		WELLS FARGO on Behalf of Boles		20 Buttonwood Dr	10008	\$15.00
213	14		WELLS FARGO on Behalf of Czarnowski		5 Quincy Street	3161	\$15.00
214.01	30		WELLS FARGO on Behalf of Traub		3 Breton Court	19954	\$15.00
252	14		WELLS FARGO on Behalf of Becker		3 Monroe Drive	6065	\$15.00
305	192		WELLS FARGO on Behalf of Edri		17 Regina Road	5469	\$15.00
316	12		WELLS FARGO on Behalf of Jocelyn		8 St. Lawerence Way	5401	\$15.00
327	47		WELLS FARGO on Behalf of Iannacone		3 Hudson Bay Terr	5496	\$15.00
331	10		WELLS FARGO on Behalf of Folsom		17 Foxcroft Dr	4606	\$15.00
358	1.18		WELLS FARGO on Behalf of Rocco		41 Witherspoon Way	24297	\$15.00
410	14		WELLS FARGO on Behalf of Lagotta		30 Steeplechase Dr	11068	\$15.00
412.04	28		WELLS FARGO on Behalf of Pivovaro		3 Warbler Road	19840	\$15.00
119.02	48		WELLS FARGO on Behalf of Morin		64 Bernadette Road	18446	\$15.00
176	7	C1141	WELLS FARGO on Behalf of Cerezo		1141 Roseberry Court	17841	\$15.00
106	6		Brian Walsh	10-145	17 Thomas Lane	15207	\$424.21
219	3		Stuart Lasher	09-81	26 Hudson Street	23916	\$429.35

213	17		Richard Pisciotta	09-21	11 Quincy Street	2928	\$281.41
346	1		Frank Festa	10-85	28 Collingwood Rd	2786	\$171.06
							\$2036.86

RESOLUTION # 2011-192

WHEREAS, tax sale certificates sold at the 2011 Tax Lien Sale included delinquent water charges in the amount of \$3,969.50 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$3,969.50 be refunded to the Marlboro Township Water Utility Division.

Schedule "A"

TSC #	Block	Lot	Qual.	Water Acct.	Assessed Owners	Property Location	Amount
11-36	119.02	7		65618	BJI Financial Group INC	14 Bernadette Road	544.87
11-93	120	11		27394	Changsheng Lu	117 Greenwood Road	228.67
11-11	123	2		23600	Rosehill Fund I, LLC	3 Tennent Road	56.78
11-94	146	20		31320	Changsheng Lu	45 Falson Lane	96.80
11-5	147	4.02		31190	Nasdom, LLC	248 Spring Valley Rd	281.57
11-40	148	14		23985	BJI Financial Group INC	139 Tennent Road	56.42
11-41	153	40		36293	BJI Financial Group INC	148 Conover Road	56.71
11-95	176	7	C0492	55761	Changsheng Lu	492 Tivoli Court	56.07
11-96	176	7	C0713	54430	Changsheng Lu	713 Snowdrop Court	165.95
11-84	176	7	C0869	55031	Stonefield Investments	869 Mariposa Court	226.17
11-1	176	7	C1005	58346	Josef Hoffmann	1005 Tarragon Court	60.28
11-101	178	290	C0003	60560	Changsheng Lu	3 Westlake Court	148.53

11-102	178	290	C0112	60730	Changsheng Lu	112 Nathan Drive	196.49
11-103	184	1		27411	Changsheng Lu	189 Route 520	287.44
11-85	184.01	27		44128	Stonefield Investments	20 Emerald Drive	951.8
11-104	192	4		38371	Changsheng Lu	35 Stony Hill Drive	27.53
11-88	288	29	C0234	62906	Stonefield Investments	234 Ravenswood Rd	154.24
11-75	320	4		13747	Ace Plus, LLC	16 Jennifer Court	373.18
							3969.50

RESOLUTION # 2011-193

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 2011-10 be and it is hereby granted to Western Monmouth Jewish Services Council, Inc. 100 Route 9 North, Manalapan, NJ 07726.

BE IT FURTHER RESOLVED that said Raffle (On premise 50/50) will be held on June 12, 2010 from 12PM to 4PM at Marlboro High School, 95 North Main Street, Marlboro, New Jersey 07746.

RESOLUTION # 2011-199

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-2011 (On Premise 50/50) be and it is hereby granted to Marlboro Youth Baseball & Softball Assoc. Inc., P. O. Box 7, Morganville, NJ 07751.

BE IT FURTHER RESOLVED that said Raffles will be held on May 26, 27, 28, 29 & 30, 2011 from 9 AM to 9 PM at the Marlboro Little League, 66 Tennent Road, Morganville, NJ 07751.

At 9:25PM, Council President Marder moved that the meeting go into executive session for reason of discussing contract negotiations. This was seconded by Councilman LaRocca, and the following Resolution #2011-194 (Closed Session) was passed on a roll call vote of 4 - 0 in favor (Absent: Metzger). Recess was called, and the executive session resumed at 9:40 PM.

RESOLUTION # 2011-194

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the

5th day of May, 2011 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 9:50 PM, Council Vice President Cantor moved that the meeting be opened. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to case one ballot (Absent: Metzger).

The following Resolution #2011-195/Ordinance #2011-11 (Purchase of Property for Open Space Preservation - B 180, L 6 - Tennent Road) was introduced by reference, offered by Council Vice President Cantor, seconded by Council President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-195

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

ORDINANCE # 2011-11

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 180, LOT 6 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, WHICH SAID PROPERTY CONSISTS OF APPROXIMATELY 31 ACRES AND IS LOCATED ON THE EASTERLY SIDE OF TENNENT ROAD, NORTH OF THE INTERSECTION OF COMMERCIAL COURT AND TENNENT ROAD, FOR THE PURPOSES OF OPEN SPACE PRESERVATION AND RECREATION

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 19, 2011 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 # 2011-11

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 180, LOT 6 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY, WHICH SAID PROPERTY CONSISTS OF APPROXIMATELY 31 ACRES AND IS LOCATED ON THE EASTERLY SIDE OF TENNENT ROAD, NORTH OF THE INTERSECTION OF COMMERCIAL COURT AND TENNENT ROAD, FOR THE PURPOSES OF OPEN SPACE PRESERVATION AND RECREATION

WHEREAS, Julie Fox, David Fox, and Linda Schway, as tenants-in-common ("Owner"), holds the right, title and interest in and to certain real property known and designated as Block 180, Lot 6 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, which said Property consists of approximately 31 acres and is located on the easterly side of Tennent Road north of the intersection of Commercial Court and Tennent Road in said Township (the "Property"); and

WHEREAS, the Township of Marlboro ("Township") desires to acquire the Property for the public purposes of open space preservation and recreation within the Township and is ready to or has entered into contract negotiations with the Owner, to purchase the Property; and

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

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Marlboro has the power to acquire any real property for a public purpose through negotiated agreement; and

WHEREAS, the Township Council of the Township of Marlboro has determined that it would serve a public purpose and be to the benefit of the health and welfare of the Township's citizens for the Township to acquire the Property in order to use the same for the preservation of open space and for recreation within the Township of Marlboro;

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 enter into contract negotiations for the purchase of that certain tract or parcel of real property known and designated as Block 180, Lot 6 on the

Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, which said Property consists of approximately 31 acres and is located on the easterly side of Tennent Road, north of the intersection of Commercial Court and Tennent Road, in said Township (the "Property"), for the public purposes of open space preservation and recreation within the Township of Marlboro, from Julie Fox, David Fox, and Linda Schway, as tenants-in-common (the "Owner"), for the purchase price of Two Hundred Fifty Thousand Dollars and 00/100 (\$250,000.00); 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 purchase and conveyance of the Property; 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; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict(s); and

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

The following Resolution #2011-196/Ordinance #2011-12 (Appropriating \$300,000 from Water Utility Capital Surplus to Fund Acquisition of Land) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-196

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

ORDINANCE # 2011-12

AN ORDINANCE APPROPRIATING \$300,000 FROM WATER UTILITY CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH THE ACQUISITION OF LAND AND ANY RELATED CAPITAL IMPROVEMENTS

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 19, 2011 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 # 2011-12

AN ORDINANCE APPROPRIATING \$300,000 FROM WATER UTILITY CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH THE ACQUISITION OF LAND AND ANY RELATED CAPITAL IMPROVEMENTS

WHEREAS, The Governing Body of the Township of Marlboro desires to acquire real property known as Tennent Road Block 180 Lot 6 in the Township of Marlboro, and

WHEREAS, the required funds needed for this purpose are currently available in the Water Utility Capital Surplus Account in the Water Utility Capital Fund of the Township of Marlboro.

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 a sum of \$300,000 is hereby appropriated for the aforementioned acquisition and related capital improvements from the Water Utility Capital Surplus account; and

BE IT FURTHER ORDAINED that the Chief Financial Officer has executed a Certification of Funds and determined that sufficient funds are available for this purpose in the Water Utility Capital Surplus Account; and

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

The following Resolution #2011-197 (Authorizing Prof. Services Contract - Sholk - Appraisal) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-197

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BETTINA

DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO
FOR APPRAISAL SERVICES

WHEREAS, the Township requires real estate appraisal services in connection with the acquisition of certain parcels, such services to be awarded pursuant to a 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 to practice in the State of New Jersey and, accordingly, 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 November 27, 2010 (the "Proposal") from BETTINA DURMASKIN SHOLK (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township 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 in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds are available for this purpose in account #X-04-55-969-801; 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, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity'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 authorizes and approves the award of a Professional Services Contract to BETTINA DURMASKIN SHOLK pursuant to a

fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; 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 a proposal dated November 27, 2010, a copy of which is attached hereto, in an amount not to exceed \$3,500.00; 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 in accordance with 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. Bettina Durmaskin Sholk
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-198 (Authorizing Prof. Services Contract - CME - Phase I) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

RESOLUTION # 2011-198

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PREPARATION OF A PRELIMINARY ASSESSMENT /PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT IN CONNECTION WITH THE ACQUISITION OF TENNENT ROAD BLOCK 180, LOT 6

WHEREAS, the Township requires a Preliminary Assessment / Phase I Environment Site Assessment Report in connection with

the acquisition of the property known as Tennent Road Block 180, Lot 6 ("the Project"); and

WHEREAS, CME Associates has provided a proposal dated April 28, 2011 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro 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 \$2,750.00 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 # #X-04-55-969-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project 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 a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include PREPARATION OF A PRELIMINARY ASSESSMENT /PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT IN CONNECTION WITH THE ACQUISITION OF TENNENT ROAD BLOCK 180, LOT 6 by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$2,750.00 for such Professional Services, as further described and set forth in CME's Proposal dated April 28, 2011 ("Proposal"), 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 Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this 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 \$2,750.00 for such additional Professional Services for the Project 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 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

At 9:55PM, Council Vice President Cantor moved that the meeting be adjourned. This was seconded by Council President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Metzger).

