

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 11, 2011

The Marlboro Township Council held its regularly scheduled meeting on August 11, 2011 at 7:00 P.M. at the Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, 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. Notice of the change in location of this meeting was faxed to the Asbury Park Press, the Star Ledger and News Transcript on July 26th, placed on the website and Channel 77.

The Clerk called the Roll.

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

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

Councilman Metzger moved that the minutes of July 14, 2011 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

Township Attorney Louis Rainone stated that the Planning Board had suggested that the word "Township" be changed to "public" in Section (1). Since this was not a material change, he suggested that Council vote to amend the ordinance accordingly. Councilman LaRocca moved to amend, which was seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor of amending (Absent: Cantor). Council President Marder opened the Public Hearing on Ord. #2011-21. After the Public Hearing was held and closed, the following Resolution #2011-

251/Ordinance #2011-21 As Amended (Amending Section 220-99 - Temporary Political Signs) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-251

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

ORDINANCE # 2011-21

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 SUB-SECTION 220-99(F), "TEMPORARY POLITICAL SIGNS" TO PROVIDE ADDITIONAL REGULATIONS THEREFOR

which was introduced on June 16, 2011, tabled on July 14, 2011, public hearing held August 11, 2011, be adopted on second and final reading this 11th day of August, 2011.

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

The following Resolution #2011-286 (Authorizing Shared Services Agreement with Mon. County for Disposal of Street Sweepings) 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 # 2011-286

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH RECLAMATION CENTER FOR THE DISPOSAL OF DEBRIS FOR 2011 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Monmouth County Reclamation Center; and

WHEREAS, the Township of Marlboro wishes to enter into a Shared Services Agreement with the County to dispose of debris including that collected through street sweeping at the Monmouth County Reclamation Center; and

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 services contemplated herein; and

WHEREAS, the proposed shared services agreement in the form of the County's posted Rules and Regulations 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 aforesaid purpose estimated at an amount not to exceed \$40,000.00 have been certified by the Chief Financial Officer in Budget Account 1-01- -170-233.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement for the disposal of debris with the Monmouth County Reclamation Center, 6000 Asbury Avenue, Tinton Falls, NJ 07753; 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. Monmouth County Reclamation Center
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-287 (Authorizing Amendment to Shared Services Agreement with Board of Education) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-287

AUTHORIZING AN AMENDMENT TO THE 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 Municipal Council approved the execution of a shared services agreement with the Marlboro Township Board of Education (the "Board") to provide transportation services to the Township of Marlboro (the "Township") on May 5, 2011, and an amendment to the agreement on May 19, 2011; and

WHEREAS, the Township requires that additional busing for trips be provided under the agreement (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 include additional services under the Shared Services Agreement 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

in an amount not to exceed \$50,000.00; and

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 amend 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 amendment to the Shared Services Agreement in a form substantially similar as that attached hereto for the provision of transportation services for Marlboro Township 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 #2011-288 (Authorizing Acceptance/Filing of the 2011 Best Practices Inventory) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-288

WHEREAS, the Township of Marlboro has received and completed the "2011 Best Practices Inventory" sent out on July 18, 2011 by the Division of Local Government Services, and

WHEREAS, the Township responded positively to 41 of 47 applicable questions; and

WHEREAS, the Chief Financial Officer has certified a score of 44 out of a possible 50; and

WHEREAS, the high percentage of positive responses on the 2011 Best Practices Worksheet qualifies the Township of Marlboro to receive 100% of its State Aid; and

WHEREAS, the Best Practices exercise, now in effect for the last two years, has reflected completely positively on the municipal operations of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby acknowledges review of the 2011 Best Practices Inventory and hereby authorizes the Township Municipal Clerk to complete the required certification and send such to the State of New Jersey.

The following Resolution #2011-289 (Authorizing Closed Out of 2011 Road Program Contract/Change Order) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-289

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND LUCAS BROTHERS, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF 2010 ROAD IMPROVEMENTS

WHEREAS, by Resolution #2010-347 the Township of Marlboro authorized the award of a contract to Lucas Brothers, Inc. for the 2010 Road Improvement Program (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$668,703.25 to \$647,736.49, a net decrease of \$20,966.76; and

WHEREAS, in Letter dated July 21, 2011, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$12,954.73; and

WHEREAS, pursuant to the terms of the contract, Lucas Brothers, Inc. has provided a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$97,160.47; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's July 21, 2011 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Lucas Brothers, Inc. in the amount of \$12,954.73 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 Closeout Change Order to the existing contract with Lucas Brothers, Inc., be and is hereby approved,

decreasing the previously modified contract total of \$668,703.25 to \$647,736.49, a net decrease of \$20,966.76.

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 \$12,954.73 for work completed by Lucas Brothers, Inc. is hereby approved.

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

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

The following Resolution #2011-290 (Award of State Contract - Replacement of Animal Control Van - 2007 Capital) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4- 0 in favor (Absent: Cantor)

RESOLUTION # 2011-290

A RESOLUTION AUTHORIZING THE PURCHASE OF 2011 FORD
E250 CARGO VAN UNDER STATE CONTRACT # A78846
FROM MALOUF FORD, INC. FOR MARLBORO TOWNSHIP POLICE
DEPARTMENT, DIVISION OF ANIMAL CONTROL

WHEREAS, the Township of Marlboro Animal Control van is a 2004 model with more than 100,000 miles; and

WHEREAS, the Township of Marlboro Municipal Garage has recommended that the van be replaced before major repairs are required and the vehicle's reliability suffers; and

WHEREAS, the Township of Marlboro Police Department recommends the purchase of one FORD E250 CARGO VAN from MALOUF FORD, INC. ("MALOUF") under STATE CONTRACT # A78846 for the amount of \$21,721.00; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to replace the van utilized by the Police Department, Division of Animal Control; and

WHEREAS, funds are available in Account Y-07-55-012-951 (MCIA 2007) 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 purchase one 2011 FORD E250 CARGO VAN UNDER STATE CONTRACT # A78846 from MALOUF FORD, INC., 2210 Route 1 North, North Brunswick, NJ 08902 for the amount of \$21,721.00; and

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

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

The following Resolution #2011-291 (Award of Bid - HVAC Improvements to Mun. Complex - 2009 DOE Grant) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-291

A RESOLUTION AWARDING CONTRACT TO AIRHANDLERS MECHANICAL SERVICES, INC. FOR MUNICIPAL COMPLEX HVAC UPGRADES UNDER THE UNITED STATES DEPARTMENT OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township entered into a grant agreement with the United States Department of Energy under the Energy Efficiency and Conservation Block Grant (EECBG) Program to undertake certain improvements to the HVAC system at the Municipal Complex ("the Project"); and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for MUNICIPAL COMPLEX HVAC UPGRADES, and on July 21, 2011, received six (6) bids, as follows:

	Airhandlers Mechanical Service, Inc.	Gaudelli Bros. Inc.	DeSesa Engineering Company, Inc.	Midcoast Mechanical Inc.	WHL Enterprise s T/A Bill Leary A/C & Heating	Kappa Construction Corp.
	Haddon Heights, NJ	Millville, NJ	Livingston, NJ	Neptune, NJ	Metuchen, NJ	Ocean, NJ
Base	98,700.00	124,200.00	125,000.00	137,300.00	159,000.00	216,000.00
Alt. 1	204,900.00	198,000.00	158,000.00	195,935.00	229,000.00	278,000.00
Alt. 2	149,900.00	184,000.00	178,000.00	205,100.00	249,000.00	243,000.00
Alt. 3	9,000.00	9,000.00	8,000.00	9,045.00	19,000.00	23,000.00
Total	462,500.00	515,200.00	469,000.00	547,380.00	656,000.00	760,000.00

Base +						
Alt 1	303,600.00	322,200.00	283,000.00	333,235.00	388,000.00	494,000.00
Base +						
Alt 2	248,600.00	308,200.00	303,000.00	342,400.00	408,000.00	459,000.00
Base +						
Alt 3	107,700.00	133,200.00	133,000.00	146,345.00	178,000.00	239,000.00

WHEREAS, the bid submission of the apparent low bidder, AIRHANDLERS MECHANICAL SERVICE, INC. has been determined to be responsive as detailed in a July 29, 2011 memo transmitted by the Department of Public Works; and

WHEREAS, there is an unexpended balance of \$127,941.00 in Grant Account G-07-41-809-301; and

WHEREAS, the Director of Public Works and Engineering Consultant have reviewed the bids received and has advised that AIRHANDLERS MECHANICAL SERVICE, INC. is the low bidder on the Base Bid as well as the low bidder on the Base Bid including Alternate Option 3; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works and Engineering Consultant 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 AIRHANDLERS MECHANICAL SERVICE, INC. whose address is 208 N. White Horse Pike, Magnolia, NJ 08049 in an amount not to exceed \$107,700.00 for MUNICIPAL COMPLEX HVAC UPGRADES; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with AIRHANDLERS MECHANICAL SERVICE, 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 \$107,700.00 are

available for the aforesaid contract in Accounts X-04-55-967-903 and G-07-41-809-301; and

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

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

The following Resolution #2011-292 (Award of Bid - Type 13 Bulky Waste) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-292

A RESOLUTION AWARDING CONTRACT TO MONTECALVO
DISPOSAL FOR DISPOSAL OF TYPE 13 BULKY WASTE
FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Marlboro Township Department of Public Works maintains a Recycling Center where "bulky waste" can be deposited by residents; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) defines "Type 13 - Bulky waste" as including "Large items of waste material, such as appliances and furniture"; and

WHEREAS, maintaining the bulky waste facility at the Township Recycling Center requires that the Township contract for the disposal of Type 13 - Bulky Waste; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for DISPOSAL OF TYPE 13 BULKY WASTE, and on June 28, 2011, received no bids; and

WHEREAS, the Township of Marlboro re-advertised for the acceptance of bids for DISPOSAL OF TYPE 13 BULKY WASTE on June 30, 2011, and on July 12, 2011, received three (3) bids, as follows:

COMPANY		BID PRICE Yr 1	BID PRICE Yr 2	TOTAL
MONTECALVO DISPOSAL	Keasbey	54,600.00	54,600.00	109,200.00
MAZZA & SONS, INC	Tinton Falls	56,350.00	57,050.00	113,400.00
REPUBLIC SERVICES OF NJ	Tinton Falls	60,900.00	62,300.00	123,200.00

; and

WHEREAS, the bid submission of the apparent low bidder, MONTECALVO DISPOSAL has been determined to be responsive as detailed in a July 29, 2011 memo transmitted by the Department of Public Works; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to MONTECALVO DISPOSAL whose address is 75 Crows Mill Road, PO Box 290, Keasbey, NJ 07732 in an amount not to exceed \$54,600.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS for the period September 1, 2011 - August 31, 2012, with the right to extend the contract term for an additional 12 month period from September 1, 2012 - August 31, 2013 under the same terms and conditions in an amount not to exceed \$54,600.00 at the option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MONTECALVO DISPOSAL 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 \$18,200.00 are available for the aforesaid contract in 2011 Budget Account 1-01- -170-233.

BE IT FURTHER RESOLVED funds in the amount of \$36,400.00 will be made available and certified in 2012 upon adoption of the budget.

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

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

The following Resolution #2011-293 Award of Contract - Temporary Contract Labor Services) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-293

A RESOLUTION AWARDING CONTRACT TO BROAD WAVERLY
STAFFING LLC FOR TEMPORARY CONTRACT LABOR SERVICES
FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro Department of Public Works is need of temporary contract labor services; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for TEMPORARY CONTRACT LABOR SERVICES, and on June 14, 2011, received one (1) bid that was determined to be defective; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for TEMPORARY CONTRACT LABOR SERVICES, and on July 6, 2011, received no bids therefor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(3), if bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) and on one occasion all bids were rejected and on one occasion no bids were received in response to the advertisement, the contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; and

WHEREAS, the Township solicited quotations for TEMPORARY CONTRACT LABOR SERVICES that resulted in the lowest final response as follows:

COMPANY	PER HR	TOTAL ANNUAL EST
BROAD WAVERLY STAFFING LLC		
Hourly Rate	\$14.49	141,422.40
Overtime Rate	\$21.20	8,480.00
TOTAL		\$149,902.40

WHEREAS, the Department of Public Works has previously utilized the services of BROAD WAVERLY STAFFING LLC and has indicated that the vendor has performed satisfactorily to date according to the Director of Public Works; and

WHEREAS, the Director of the Department of Public Works has recommended the award of contract to BROAD WAVERLY STAFFING LLC; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to BROAD WAVERLY STAFFING LLC whose address is 200 BROAD STREET, RED BANK, NJ 07701 FOR TEMPORARY CONTRACT LABOR SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS in an amount not to exceed \$149,902.40.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with BROAD WAVERLY in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$67,212.24 are available for the aforesaid contract in budget accounts 1-01- -120-288 and 1-01- -123-288.

BE IT FURTHER RESOLVED funds in the amount of \$82,690.16 will be made available and certified in 2012 upon adoption of the budget.

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

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

The following Resolution #2011-294 (Award of Bid - Dump Trucks/Snow Removal Equipment - 2011 Capital 120-1, 7) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-294

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO TRIUS, INC. FOR THE PROVISION OF TWO (2) NEW 5/7 CUBIC YARD DUMP TRUCKS WITH RELATED EQUIPMENT AND DELUXE INTERNATIONAL FOR ONE (1) NEW 25,500 gvw DUMP TRUCK WITH RELATED EQUIPMENT FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2011 capital program (120-1,7,8) authorized the replacement of DUMP TRUCKS WITH RELATED EQUIPMENT for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for TWO (2) NEW 5/7 CUBIC YARD DUMP TRUCKS WITH RELATED EQUIPMENT

AND ONE (1) NEW CLASS 5 CHASSIS (25,500 gvw) DUMP TRUCK WITH RELATED EQUIPMENT, and on July 26, 2011, received three (3) bids, as follows:

		Brown's Hunterdon International LLC, Bloomsbury, NJ	Trius, Inc. Farmingdale, NJ	Deluxe International Trucks, Inc. Hackensack, NJ
Two 5/7 Yard Dump Trucks		254,701	255,764	274,337
One Snowplow	2	30,200	23,726	21,584
One V-Box Sander	2	34,400	37,798	32,630
Two 5/7 Yard Dump Trucks		319,301	317,288	328,551
One 25,500 Dump Trucks		96,475	98,012	99,261
One Snowplow		6,200	6,155	5,650
One V-Box Sander		11,758	11,162	8,368
25,500 gvw Dump Truck		114,433	115,329	113,279
TOTAL		433,734	432,617	441,830

; and

WHEREAS, the bid submission of the apparent low bidder for the two 5/7 Yard Dump Trucks with Related Equipment, Trius, Inc. of Farmingdale, NJ has been determined to be responsive as detailed in a July 29, 2011 memo transmitted by the Director of Public Works; and

WHEREAS, the bid submission of the apparent low bidder for the 25,500 gvw Dump Truck with Related Equipment, Deluxe International Trucks, Inc. of Hackensack, NJ has been determined to be responsive as detailed in a July 29, 2011 memo transmitted by the Director of Public Works; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Trius, Inc., whose address is 5049 Industrial Rd, Farmingdale, NJ 07727 in an amount not to exceed \$317,288.00 for two 5/7 Yard Dump Trucks with Related Equipment; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Deluxe International Trucks, Inc. whose address is 600 South River St, Hackensack, NJ 07601 in an amount not to exceed \$113,279.00 for the 25,500 gvw Dump Truck with Related Equipment; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Trius, Inc., whose address is 5049 Industrial Rd, Farmingdale, NJ 07727 in an amount not to exceed \$317,288 and Deluxe International Trucks, Inc. whose address is 600 South River St, Hackensack, NJ 07601 in an amount not to exceed \$113,279.00 for two 5/7 Yard Dump Trucks with Related Equipment; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$ 430,567.00 are available for the aforesaid contract in Capital Account X-04-55-968-911; and

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

- a. Trius, Inc.
- b. Deluxe International Trucks, Inc.
- c. Mayor Jonathan Hornik
- d. Township Administrator
- e. Director of Public Works
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole LLP

The following Resolution #2011-295 (Authorizing Amendment to Contract - Birdsall - Engineering Services in connection with Green Acres Funding of Geoghegan Property Acquisition - 82 Tennent Road (Block 120, Lot 36) 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: Cantor).

RESOLUTION # 2011-295

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH GREEN ACRES FUNDING OF THE GEOGHEGAN PROPERTY ACQUISITION LOCATED AT 82 TENNENT ROAD (BLOCK 120, LOT 36) IN THE TOWNSHIP OF MARLBORO

WHEREAS, by Resolutions 2007-212, 2007-256 and 2011-264, the Township of Marlboro authorized and amended a Professional Services agreement with Birdsall Services Group for the provision of engineering services in connection with Green Acres funding of the acquisition of the Geoghegan Property located at 82 Tennent Road in Marlboro, Block 120, Lot 36 ("Geoghegan"); and

WHEREAS, the Township requires additional professional engineering services in connection with obtaining Green Acres funding to offset the acquisition costs and County Open Space Trust funding to develop the site; and

WHEREAS, Birdsall Services Group has provided a proposal dated August 3, 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 \$6,750.00 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-04-55-969-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with 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 GREEN ACRES FUNDING OF THE GEOGHEGAN PROPERTY ACQUISITION LOCATED ON TENNENT ROAD (BLOCK 120, LOT 36) ("Professional Services"), at a fee not to exceed \$6,750.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated August 3, 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 \$6,750.00 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. 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

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2011-296 (Authorizing Extension of Grace Period for the Payment of Taxes), Res. #2011-297 (Refund of Connection Fee - 20 Bartram Road - B 268, L 52), Res. #2011-298 (Refund of Overpayment for 2010 taxes - Futerman), Res. #2011-299 (Refund of Overpayment for 2010 taxes - Reznick), Res. #2011-300 (Refund of Overpayment for 2010 taxes - Salant), Res. #2011-301 (Refund of Overpayment for 2010 taxes - Sivin), Res. #2011-302 (Refund of Overpayment for 2010 taxes - Triangle Bus. C0001), Res. #2011-303 (Refund of Overpayment for 2010 taxes - Triangle Bus. C0002), #2011-304 (Authorizing Vegetation Removal and Recording of Lien - 1 Sycamore Court - B 295, L 9), #2011-305 (Authorizing Vegetation Removal and Recording of Lien - 13 No. Main St. - B 223, L 12), #2011-306 (Authorizing Vegetation Removal and Recording of Lien - 14 Bernadette Drive - B 119.02, L 7), #2011-307 (Authorizing Vegetation Removal and Recording of Lien - 16 Jennifer Court - B 320, L 4), #2011-308 (Authorizing Vegetation Removal and Recording of Lien - 19 Shallow Brook Road - B 155, L 1.07), #2011-309 (Authorizing Vegetation Removal and Recording of Lien - 30 Duncan Drive - B 301, L 36), #2011-310 (Authorizing Vegetation Removal and Recording of Lien - 72 Church Road - B 304, L 9), #2011-311 (Authorizing Vegetation Removal and Recording of Lien - 12 Colony Drive - B 420, L 28), #2011-312 (Cancellation Taxes Determined Uncollectable - Various), Res. #2011-313 (Cancellation Taxes Determined Uncollectable - B 147, L 32.26), Res. #2011-314 (Cancellation Taxes - B 147, L 43), Res. #2011-315 (Cancellation Taxes Determined Uncollectible - B 147, L 32.01), Res. #2011-316 (Redemption Tax Sale Certificates - Various), Res. #2011-317 (Refunds to WMUA - Various), Res. #2011-318 (Raffle License Marlboro Middle School - 50/50 On Premise Merchandise).

RESOLUTION # 2011-296

WHEREAS, due to a delay in the 2011 budget process by the State of New Jersey and subsequent delay in the Township receiving the certification of the tax rates from the County of Monmouth, property tax bills for the upcoming year were again mailed later than the statutory timeframe, and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Marlboro that the grace period for payment of third quarter taxes be extended from August 10th to September 1, 2011.

BE IT FURTHER RESOVLED that in accordance with New Jersey State Statute, interest calculated on payments received after September 1 will revert back to the original due date of August 1st.

RESOLUTION # 2011-297

WHEREAS, Tyler Homes, Inc. has paid a water connection fee in the amount of \$4,709.00 on Block 268 Lot 52 also known as, 20 Bartram Road, with intentions of purchasing and building a single family dwelling,

WHEREAS, Tyler's Homes, Inc. will not be purchasing and building a single family home,

WHEREAS, Tyler's Homes, Inc. has requested that Marlboro Township Water Utility Division refund the connection fee in the amount of \$ 4,709.00 back to them,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned connection fee to Tyler Homes, Inc. in the amount of \$4,709.00.

RESOLUTION # 2011-298

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 310.13 for the year 2010 for Block 119.01 Lot 19, located at 66 Petra Drive, assessed to Futerman, Leonid & Yana,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 310.13,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 310.13 to Futerman, Leonid & Yana.

RESOLUTION # 2011-299

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 867.74 for the year 2010 for Block 331 Lot 62.05, located at 9 Bennett Court, assessed to Reznick, Michael & Angela,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 867.74,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 867.74 to Reznick, Michael & Angela.

RESOLUTION # 2011-300

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 361.80 for the year 2010 for Block 234 Lot 5, located at 9 Vernon Road, assessed to Salant, Eric & Cindy,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 361.80,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 361.80 to Salant, Eric & Cindy.

RESOLUTION # 2011-301

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 2,599.18 for the year 2010 for Block 180 Lot 19, located at 5 Evan Drive, assessed to Sivin, Mark & Judith A.,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,599.18,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,599.18 to Sivin, Mark & Judith A.

RESOLUTION # 2011-302

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$14,469.90 for the year 2010 for Block 178 Lot 293 Qualifier C0001, located at 165 Amboy Road, assessed to Triangle Business Park, LLC,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of 14,469.90,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$14,469.90 to Triangle Business Park, LLC.

RESOLUTION # 2011-303

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$15,635.61 for the year 2010 for Block 178 Lot 293 Qualifier C0002, located at 165 Amboy Road, assessed to Triangle Business Park, LLC,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$15,635.61,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$15,635.61 to Triangle Business Park, LLC.

RESOLUTION # 2011-304

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 1 SYCAMORE COURT
(BLOCK 395, LOT 9), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 1 Sycamore Court (Block 395, Lot 9); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 1 Sycamore Court (Block 395, Lot 9) at a total cost of \$ 190.94; and

WHEREAS, it is recommended that the amount of \$ 190.94 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 1 Sycamore Court (Block 395, Lot 9) in the amount of \$ 190.94 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-305

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 13 NORTH MAIN STREET (BLOCK 223, LOT 12), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 13 North Main Street (Block 223, Lot 12); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 13 North Main Street (Block 223, Lot 12) at a total cost of \$ 80.56; and

WHEREAS, it is recommended that the amount of \$ 80.56 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 13 North Main Street (Block 223, Lot 12) in the amount of \$ 80.56 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-306

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 14 BERNADETTE DRIVE (BLOCK 119.02, LOT 7), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 14 Bernadette Drive (Block 119.02, Lot 7); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 14 Bernadette Drive (Block 119.02, Lot 7) at a total cost of \$ 124.74; and

WHEREAS, it is recommended that the amount of \$ 124.74 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 14 Bernadette Drive (Block 119.02, Lot 7) in the amount of \$ 124.74 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-307

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 16 JENNIFER COURT (BLOCK 320, LOT 4), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 16 Jennifer Court (Block 320, Lot 4); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 16 Jennifer Court (Block 320, Lot 4) at a total cost of \$ 126.32; and

WHEREAS, it is recommended that the amount of \$ 126.32 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 16 Jennifer Court (Block 320, Lot 4) in the amount of \$ 126.32 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-308

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 19 SHALLOW BROOK ROAD (BLOCK 155, LOT 1.07), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely overgrown grass, weeds and brush exists on the property known as 19 Shallow Brook Road (Block 155, Lot 1.07); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 19 Shallow Brook Road (Block 155, Lot 1.07) at a total cost of \$ 255.31; and

WHEREAS, it is recommended that the amount of \$ 255.31 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 19 Shallow Brook Road (Block 155, Lot 1.07) in the amount of \$ 255.31 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-309

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 30 DUNCAN DRIVE (BLOCK 301, LOT 36), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 30 Duncan Drive (Block 301, Lot 36); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 30 Duncan Drive (Block 301, Lot 36) at a total cost of \$ 99.08; and

WHEREAS, it is recommended that the amount of \$ 99.08 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 30 Duncan Drive (Block 301, Lot 36) in the amount of \$ 99.08 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-310

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN
VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR
ON THE PROPERTY LOCATED AT 72 CHURCH ROAD
(BLOCK 304, LOT 9), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely overgrown grass, weeds and brush exists on the property known as 72 Church Road (Block 304, Lot 9); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 72 Church Road (Block 304, Lot 9) at a total cost of \$ 141.44; and

WHEREAS, it is recommended that the amount of \$ 141.44 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 72 Church Road (Block 304, Lot 9) in the amount of \$ 141.44 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-311

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN
VEGETATION AND THE RECORDING OF A LIEN BY THE TAX
COLLECTOR ON THE PROPERTY LOCATED AT 12 COLONY DRIVE
(BLOCK 420, LOT 28), MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely overgrown grass, weeds and brush exists on the property known as 12 Colony Drive (Block 420, Lot 28); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278 Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 12 Colony Drive (Block 420, Lot 28) at a total cost of \$ 239.64; and

WHEREAS, it is recommended that the amount of \$ 239.64 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 12 Colony Drive (Block 420, Lot 28) in the amount of \$ 239.64 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2011-312

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, the attached list in the amount of \$810.54 known as Schedule "A", is comprised of taxes that remain outstanding and unpaid; and

WHEREAS, these outstanding taxes were for tax years 2011; and

WHEREAS, these parcels are known as a "gore," a lot created in error or a lot where ownership cannot be determined therefore,

WHEREAS, it has been determined that the said outstanding taxes, are uncollectible; and

WHEREAS, the Township Tax Collector has recommended that they be canceled.

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

taxes relating to these properties, which have been determined to be uncollectible are hereby canceled in the amount of \$810.54.

Schedule "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>CANCELLED AMOUNT</u>
153	56.01	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 722.30
193.13	128	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 88.24

RESOLUTION # 2011-313

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are property taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 147, Lot 32.26, located on Ellis Court; and

WHEREAS, the aforesaid property consists of a detention basin which has been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Zoning Board and is now assessed to the Township of Marlboro; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be cancelled.

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

1. That the following taxes, which have been determined to be uncollectible, are hereby cancelled:

Block 147 Lot 32.26
2011 \$533.52

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

- a. Township Tax Collector
- b. Township Assessor
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2011-314

RESOLUTION CANCELING 2011 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNERS' ASSOCIATION, INC. AT
BLOCK 147, LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 (the "property") on the Marlboro Township Tax Map; and

WHEREAS, the property is leased to the Midway Mobile Homeowner's Association, Inc. (the "tenant"), a Title 15A not for profit corporation, and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2011 real estate taxes assessed against the property must be canceled.

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

- 1. That the 2011 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$19,787.44, are hereby canceled.
- 2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Midway Mobile Homeowner's Association, Inc.
 - b. Kelly Hahn, Tax Collector
 - c. Mike Imbriaco, Tax Assessor

RESOLUTION # 2011-315

A RESOLUTION AUTHORIZING THE CANCELLATION OF
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, there are property taxes that remain outstanding and unpaid relating to the following property as designated on the Marlboro Township Tax Map: Block 147, Lot 32.01, located on Jade Drive; and

WHEREAS, the aforesaid property consists of a detention basin which has been previously dedicated to the Township in accordance with approvals granted by the Marlboro Township Zoning Board and is now assessed to the Township of Marlboro; and

WHEREAS, in light of the same, it has been determined that the outstanding taxes, as set forth below, are uncollectible, and the Township Tax Collector has therefore recommended that the same be cancelled.

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

2. That the following taxes, which have been determined to be uncollectible, are hereby cancelled:

Block 147 Lot 32.01
2011 Taxes \$ 447.34

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

- a. Township Tax Collector
- b. Township Assessor
- c. Township Engineer
- d. Township Attorney

RESOLUTION # 2011-316

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$105,751.69 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 \$105,751.69 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>
11-08 3 Bruce Rd.	262/14	Nasdom, LLC 1527 E. 35 th Street Brooklyn, NY 11234 Assessed Owners: Milton & Loretta Zamkoff	1,017.85
11-09 42 Witherspoon Way	358/1.14	Nasdom, LLC 1527 E. 35 th Street Brooklyn, NY 11234 Assessed Owner: Diana Bolton	791.60
11-36 14 Bernadette Rd.	119.02/7	BJI Financial Group, Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owner: Bryan Donna Schirloff	1,453.72
11-38 35 Wilson Avenue	133/7	BJI Financial Group, Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owners: Humbert A. Mortol & Etals	1,207.34
11-51 36 Harness Lane	373/14	BJI Financial Group, Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owners: Jerome M. Sovelove & Carol A. Mazzola	1,201.31
10-131 10 Amagansett Dr.	191/1	Royal Tax Lien Services, LLC 179 Washington Lane Jenkintown, PA 19046 Assessed Owners: James N. Cappuzzo, Jr.	54,536.71
10-22 59 Church Rd.	255/36	US Bank Cust for Pro Capital I, LLC US Bank TLSSG 50 S 16 th St., Suite 1950 Philadelphia, PA 19102 Assessed Owner: Thomas J. Doukas	747.88

11-28	255/36	US Bank Cust for Pro Capital I, LLC US Bank TLSG 50 S 16 th St., Suite 1950 Philadelphia, PA 19102 Assessed Owner: Thomas J. Doukas	652.29
11-106	225/80	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owners: Scott & Jane Gorenstein	559.18
10-82	286/18	Frank J. Festa PO Box 97 Scotch Plains, NJ 07076-0097 Assessed Owners: Jennifer B. Haber & Kevin Ahearn	1,818.67
11-108	286/18	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owners: Jennifer B. Haber & Kevin Ahearn	697.34
10-139	364/3	Royal Tax Lien Services, LLC 179 Washington Lane Jenkintown, PA 19046 Assessed Owners: Damian & Joan McDermott	41,067.80
TOTAL:			\$105,751.69

RESOLUTION # 2011-317

WHEREAS, current sewer charges totaling \$ 5,408.56 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 \$ 5,408.56 be refunded to the Western Monmouth Utilities Authority.

Schedule A

<u>TSC#</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Sewer Acct.</u>	<u>Lienholder</u>	<u>Amount</u>
09-21 11 Quincy Street	213	17		2928	Richard Pisciotta	230.21
10-162 46 Church Road	300	89		14200	Vasyl Kavatsiuk	62.64
10-156 132 Texas Road	103	7		8394	Vasyl Kavatsiuk	233.24
11-68 20 Ellis Court	147	32.18		24824	Alvero Acquisition Corp	284.54
11-70 111 Valesi Drive	184	30		19375	Alvero Acquisition Corp	248.46
10-112 457 Route 79	150	1		8669	Nithi Services, LLC	250.44
10-130 178 Nathan Drive	178	290	C0178	21578	Royal Tax Lien, Services	256.09
11-25 132 Sunnymede Street	288	29	C0132	15102	C & E Partners	204.36
11-26 34 Duncan Drive	300	41		5498	C & E Partners	328.49
11-55 40 Kingfisher Court	412.04	12		20083	BJI Financial Group Inc.	248.81
10-149 4 Evan Drive	180	45		15459	Brain Walsh	367.38
11-39 30 Berkley Court	143.02	29		20135	BJI Financial Group Inc.	326.87
11-42 271 Stratford Place	178	2	C0271	12612	BJI Financial Group Inc.	248.82

11-44	214.05	11		20262	BJI Financial Group	328.54
22 Graversham Drive Inc.						
11-45	268.04	21		18224	BJI Financial Group	248.66
16 Crest Drive Inc.						
11-46	270	98		5082	BJI Financial Group	237.91
21 Millay Road Inc.						
11-47	288	290	C0416	15821	BJI Financial Group	161.74
416 Bayberry Court Inc.						
11-48	295	13		9545	BJI Financial Group	328.54
23 Marc Drive Inc.						
11-49	304	9		5036	BJI Financial Group	248.06
72 Church Road Inc.						
11-53	396	1	C0295	16260	BJI Financial Group	284.58
295 Plum Drive Inc.						
11-54	412.03	10		19703	BJI Financial Group	280.18
20 Warbler Road Inc.						

RESOLUTION # 2011-318

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 22-2011 (50/50 On Premise Merchandise) be and it is hereby granted to Marlboro Middle School Parent Teacher Organization, 355 County Road 520, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 19, 2011 at 6:00PM - 9:30PM at Marlboro Middle School, 355 County Road 520, Marlboro, New Jersey 07746.

At 8:40 PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Councilman Metzger and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: September 8, 2011

OFFERED BY: Metzger AYES: 4

SECONDED BY: LaRocca NAYS: 0

ABSTAIN: Cantor

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT