

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 22, 2011

The Marlboro Township Council held its regularly scheduled meeting on September 22, 2011 at 7:00 P.M. at the Rosemont Clubhouse, 246 Everton Blvd., Marlboro, New Jersey.

George Lerner, President of the Rosemont Homeowner's Assn., welcomed everyone to their clubhouse.

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 and published in the Asbury Park Press on July 20, 2011.

The Clerk called the Roll.

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

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

The following Resolution #2011-338/Ordinance #2011-22 (Amending Chapter 171, "Fees" To Establish Licensing Fees for Administration of "Reward" Type Programs) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-338

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

ORDINANCE # 2011-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
171, "FEES", TO ESTABLISH LICENSING FEES FOR THE
ADMINISTRATION OF "REWARD" TYPE PROGRAMS

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 October 6, 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 # 2011-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
171, "FEES", TO ESTABLISH LICENSING FEES FOR THE
ADMINISTRATION OF "REWARD" TYPE PROGRAMS

WHEREAS, the Township Council of the Township of Marlboro desires
to stimulate local commerce in Marlboro by encouraging the patronage of
Marlboro-based businesses by Township residents; and

WHEREAS, the Township Council has determined it is appropriate to
permit "reward" type programs that act as enhancements to the "Shop
Marlboro" Program which will give Marlboro Township taxpayers a
financial incentive to patronize participating Marlboro-based businesses
through the payment of residential property taxes; and

WHEREAS, the license shall permit vendors to register interested
residents and Marlboro-based business who desire to participate; and

WHEREAS, the Township Council of the Township of Marlboro believes
that the implementation of this system will benefit Marlboro-based
business and resident taxpayers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the
Township of Marlboro, County of Monmouth, State of New Jersey that
Chapter 171, Fees, Article V, Third Party Payment Processing Fees, be
and is hereby amended and supplemented by establishing and adopted a new
Section 171-10, Licensing and Administration of "Reward" Type Programs,
as follows:

§171-10. Licensing and Administration of "Reward" Type Programs.

A. Any vendor who offers "reward" programs which includes the payment of taxes for Marlboro taxpayers who shop at participating Marlboro-based businesses shall before implementing such a program obtain a license as provided for in this ordinance.

B. The program shall be administered solely by the vendor who shall undertake to register interested taxpayers and Marlboro-based businesses.

C. The vendor shall pay to the Township a License Fee in the amount of \$25.00 yearly and shall submit to the Township Business Administrator all information necessary as may be reasonably required in order to determine the truth or validity of the statements contained in the application.

D. Conditions. The Township shall establish the necessary reporting requirement for any payment of taxes made to the Township by the vendor. The Township shall not be responsible for any impact of program participation on mortgage escrow calculations. The Township shall not be responsible for any changes in property ownership.

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

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

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

The following Resolution #2011-339 (Authorizing Chapter 159 Amendment - 2011 Over the Limit, Under Arrest Grant) 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 # 2011-339

RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any

special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2011 in the sum of \$4,400.00, which items are now available as a revenue from the New Jersey Dept of Law and Safety as the "Over the Limit / Under Arrest Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$4,400.00 be hereby appropriated under the caption "2011 Over the Limit, Under Arrest Grant".

The following Resolution #2011-340 (Authorizing Rejection of Bids for Purchase of Solar Salt - Water Utility) 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 # 2011-340

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS
FOR THE PROVISION OF SODIUM CHLORIDE (SOLAR SALT)
FOR THE MARLBORO TOWNSHIP WATER UTILITY

WHEREAS, on August 30, 2011, bids were opened for the PROVISION OF SODIUM CHLORIDE (SOLAR SALT) FOR THE MARLBORO TOWNSHIP WATER UTILITY; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(a), a contracting unit may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the sole response received from East Coast Salt Distributors exceeded the Township's budgeted cost by more than 27%.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for the PROVISION OF SODIUM CHLORIDE (SOLAR SALT) for the Township Water Utility are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a).

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 #2011-341 (Authorizing Application "Drive Sober or Get Pulled Over" Year End Statewide Crackdown Grant) 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 # 2011-341

SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2011
YEAR END STATEWIDE CRACKDOWN GRANT

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are Alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, during the holiday season it is traditionally a time of social gathering which often includes alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown* from December 5, 2011 through January 2, 2012; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways; and

NOW, THEREFORE, BE IT RESOLVED that Marlboro Township declares its support for the *Drive Sober or Get Pulled Over 2011* from December 5, 2011 through January 2, 2012; and pledges to increase awareness of the dangers of drinking and driving.

The following Resolution #2011-342 (Authorizing Final Payment and Acceptance of Improvements on Solar Field Construction project - MTMUA) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-342

A RESOLUTION APPROVING CLOSE OUT OF CONTRACT FOR TWO SOLAR FIELDS, PV ENERGY PROJECT (HEREINAFTER REFERRED TO AS THE "PROJECT") AND AUTHORIZING FINAL PAYMENT (RETAINAGE) TO BARRIER ELECTRIC CO., INC. AND ACCEPTANCE OF THE PROJECT FOR THE MARLBORO TOWNSHIP WATER UTILITY

WHEREAS, the formerly constituted Marlboro Township MUA authorized the award of a contract to Barrier Electric Co., Inc. for the construction of two (2) Photovoltaic Energy Systems ("Project"); and

WHEREAS, Closeout has been requested by Barrier Electric Co., Inc. and a release of the retainage amount of \$9,581.97; and

WHEREAS, in Memo dated July 26, 2011, the Township's Water Utility Engineer, Ray Bhatia, P.E., has recommended approval of the Closeout, acceptance of the Project, and issuance of final payment in the amount of \$9,581.97; and

WHEREAS, pursuant to the terms of the contract, Barrier Electric Co., Inc. had provided a two-year maintenance bond (with start date of May, 2009 and end date of May, 2011) in an amount equal to 100% of the contract amount or \$5,993,941.60 which said Maintenance Bond has expired effective May, 2011; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Memo from the Township's Water Utility Engineer July 26, 2011 and is amenable to approving Closeout of the Project, accepting the Project improvements and issuing a final payment to Barrier Electric Co. in the amount of \$9,581.97.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that final payment (retainage) in the amount of \$9,581.97 of the existing contract with Barrier Electric Co., Inc., be and is hereby approved

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 (retainage) in the amount of \$9,581.97 for work completed by Barrier Electric Co., Inc. is hereby approved.

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

- a. Barrier Electric Co., 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 #2011-343 (Award of Bid - Texas Road Sidewalks) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-343

A RESOLUTION AWARDING CONTRACT TO MNC GENERAL CONTRACTING, INC. FOR THE TEXAS ROAD SIDEWALK IMPROVEMENTS FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2011 capital program (60-7) authorized the TEXAS ROAD SIDEWALK IMPROVEMENTS for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the TEXAS ROAD SIDEWALK IMPROVEMENTS, and on September 13, 2011, received six (6) bids, as follows:

| COMPANY | | BASE BID |
|-------------------------------|-------------|------------|
| MNC General Contracting, Inc. | Old Bridge | 109,000.82 |
| F&P Contractors, Inc. | South Amboy | 144,232.77 |
| Caruso Excavating, Inc. | Howell | 149,941.00 |
| Lucas Construction Group | Morganville | 159,259.00 |
| A&A Curbing, Inc. | South River | 162,760.00 |
| T. Fiotakis Construction | Edison | 188,125.00 |

WHEREAS, the Project Engineer has reviewed the bids received, and in a September 13, 2011 memo advised that MNC General Contracting, Inc. is the apparent responsive low bidder, and has recommended that the contract for the services be awarded to MNC General Contracting, Inc., PO Box 362, Old Bridge, New Jersey 08854; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Project Engineer 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 MNC General Contracting, Inc., PO Box 362, Old Bridge, New Jersey 08854 in an amount not to exceed \$109,000.82 for the TEXAS ROAD SIDEWALK IMPROVEMENTS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MNC General Contracting, 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 \$109,000.82 are available for the aforesaid contract in Capital Accounts 1-04-55-940-272, 1-04-55-940-273, 1-04-55-940-269, X-04-55-968-901 and Trust Account T-12-56-854-833; and

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

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

The following Resolution #2011-344 (Award of Bid - Garage Door/Municipal Garage) was introduced by reference, offered by Council Vice President Cantor, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-344

A RESOLUTION AWARDING CONTRACT TO DOORS, INC. FOR THE REMOVAL AND REPLACEMENT OF EXISTING INSULATED SECTIONAL OVERHEAD GARAGE DOORS WITH RELATED HARDWARE AND OPENERS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2011 capital program (122-3) authorized the REMOVAL AND REPLACEMENT OF EXISTING INSULATED SECTIONAL OVERHEAD GARAGE DOORS WITH RELATED HARDWARE AND OPENERS for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the REMOVAL AND REPLACEMENT OF EXISTING INSULATED SECTIONAL OVERHEAD GARAGE DOORS WITH RELATED HARDWARE AND OPENERS, and on September 14, 2011, received two (2) bids, as follows:

| Bidder | Base Bid | Option 1 | Option 2 | Option 3 | Total |
|--------|-----------|----------|----------|-----------|----------|
| | Nine | 50,000 | 100,000 | Remote | Base Bid |
| | Insulated | Cycle | Cycle | Operating | with |
| | Doors | Springs | Springs | Devices | Options |
| | | Per Door | Per Door | Per Door | 2 and 3 |

| | | | | | |
|---|-------------|---|--|------------------------------------|-----------------|
| Doors, Inc Garwood, NJ | \$58,000.00 | \$200.00 x 9 doors =\$1,800. 00 | \$250.00 x 9 doors =\$2,250.0 0 | \$37.00 x 9 doors =\$333.00 | \$60,583. 00 |
| Hathazi Garage Doors, LLC Cream Ridge, NJ | \$57,985.00 | No Charge | \$200.00 x 9 doors =\$1,800.0 0 | \$100.00 x 9 doors =\$900.00 | \$60,685. 00 |

WHEREAS, the Department of Public Works has reviewed the bids received, and in a September 15, 2011 memo provides the technical support for awarding the Base Bid plus Options 2 and 3; and

WHEREAS, Hathazi Garage Doors took exception or did not respond to bid items Section 3-3(c)(e)(f)(h), Section 3-11(a)(ii), Section 3-11(b)(i)(ii), Section 3-11(j)(v), Section 3-17(b) and Section 3-18(a)(b)(c), and, as such, their bid proposal is incomplete and non-responsive; and

WHEREAS, both Doors, Inc and Hathazi Garage Doors took exception to Section 3(11)(i)ii which was determined to be non-material in nature by the Department of Public Works; and

WHEREAS, the Department of Public Works has reported that Doors, Inc. is the apparent responsive low bidder for the Base Bid plus Options 2 and 3, and has recommended that the contract for the services be awarded to Doors, Inc., 632-D3 South Ave., Garwood, New Jersey 07027; 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 Doors, Inc., 632-D3 South Ave., Garwood, New Jersey 07027 in an amount not to exceed \$60,583.00 for the REMOVAL AND REPLACEMENT OF EXISTING INSULATED SECTIONAL OVERHEAD GARAGE DOORS WITH RELATED HARDWARE AND OPENERS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Doors, 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 \$60,583.00 are available for the aforesaid contract in Capital Account X-04-55-968-903; and

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

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

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot: Res. #2011-345 (Raffle License Marlboro Early Learning Center PTO - On Premise Merchandise), Res. #2011-346 (Raffle License Western Monmouth Jewish Services Council - On premise 50/50), Res. #2011-348 (Raffle License Ashley Lauren Found. - On Premise Merchandise), Res. #2011-349 (Authorizing Water Installment Plan - Hallett), Res. #2011-350 (Refund of Overpayment for 2011 Water Charges), Res. #2011-351 (Refund of Overpayment for 2010 Taxes - Levy), Res. #2011-352 (Refund of Overpayment for 2010 taxes - Wong), Res. #2011-353 (Disabled Veteran Exemption - B. 143, L. 24), Res. #2011-354 (Disabled Veteran B. 381, L. 41), Res. #2011-355 (Redemption Tax Sale Certs. - Various), Res. #2011-356 (Refunds to WMUA - Various), Res. #2011-357 (Refund of State Tax Court - Rashkovsky), Res. #2011-358 (Refund of State Tax Court - Defalco), Res. #2011-359 (Refund of State Tax Court - Kwan), Res. #2011-360 (Refund of State Tax Court - Marra) and Res. #2011-361 (Raffle License Western Monmouth Jewish Services Council - Casino Night).

RESOLUTION # 2011-345

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 25-2011 be and it is hereby granted to Marlboro Early Learning Center PTO, Inc., 171 Tennent Road, Morganville, NJ 07751.

BE IT FURTHER RESOLVED that said Raffle (On premise Merchandise) will be held on November 15, 2011 from 6PM at 171 Tennent Road, Morganville, NJ 07751.

RESOLUTION # 2011-346

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 26-2011 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 November 3, 2011 from 7PM to 11PM at Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

RESOLUTION # 2011-348

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 28-2011 be and it is hereby granted to Ashley Lauren Foundation, 315 Hwy 34, Suite 135, Colts Neck, NJ 07722.

BE IT FURTHER RESOLVED that said Raffle (On premise Merchandise) will be held on October 29, 2011 from 11:30AM to 1:30PM at Marlboro Township Recreation Grounds, 1996 Recreation Way, Marlboro, NJ 07746.

RESOLUTION # 2011-349

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 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, Mark Hallett and Denise Hallett, the owners of 12 Memorial Road, which is designated as Block 333, Lot 11 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 C05156 and Account ID Number 16868; and

WHEREAS, Customer has a delinquent Account balance of \$703.09 (exclusive of accrued interest), which is attributable to water service for the quarterly period ended August 31, 2011, and which is due for payment by September 30, 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 \$703.09 (exclusive of accrued interest), 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. Mark and Denise Hallett (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-350

WHEREAS, the attached list in the amount of \$145.22 known as Schedule "A", is comprised of amounts representing overpayments for 2011 water charges,

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

SCHEDULE "A"

| <u>Water Acct#</u> | <u>WATER CUSTOMER</u> | <u>2011 REFUND</u> |
|--------------------|--------------------------|--------------------|
| 74073 | Sydney Guo & Aline Avila | 145.22 |

RESOLUTION # 2011-351

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$1,151.60 for the year 2011 for Block 339 Lot 40, located at 16 Nancy Road, assessed to Levy, Daniel & Miriam,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,151.60.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,151.60 to Levy, Daniel & Miriam.

RESOLUTION # 2011-352

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$5,470.96 for the year 2011 for Block 175, Lot 7, located at Route 9, assessed to Wong, Wilson & Sherry,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$5,470.96.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$5,470.96 to Wong, Wilson & Sherry.

RESOLUTION # 2011-353

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Lee, Steven F., Block 143 Lot 24, located at 97 Nolan Drive,

WHEREAS, taxes were billed for the year 2011 in the amount of \$7,633.78, and

WHEREAS, this exemption became effective January 24, 2011 and taxes were paid for the first twenty four days of January, taxes need to be cancelled for the three hundred thirty six days remaining in 2011 in the amount of \$7,131.22,

WHEREAS, Lee, Steven F. is due a refund of \$ 288.50 due to the State of New Jersey applying the 2009 Homestead Benefit to Block 143 Lot 24 in tax year 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$288.50 to Lee, Steven F. and cancel the remaining taxes of \$7,131.22.

RESOLUTION # 2011-354

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Locasto, Joseph L. & Grace., Block 381 Lot 41, located at 65 Murray Hill Terrace,

WHEREAS, taxes were billed for the year 2011 in the amount of \$5,757.81, and

WHEREAS, this exemption became effective April 5, 2011, taxes were paid up till that date, the remaining 2011 taxes of \$4,257.84 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the remaining balance of 2011 taxes of \$4,257.84.

RESOLUTION # 2011-355

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$10,602.95 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 \$10,602.95 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> |
|------------------------|------------------|---|---------------|
| 10-50 30 Duncan Dr. | 301/36 | Soheha P.O. Box 9416 Trenton, NJ 08650 Assessed Owners: Louis & Patricia Morelli | \$3,641.19 |
| 11-46 21 Millay Rd. | 270/98 | BJI Financial Group, Inc. 111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owners: Edwin & Deanna Ganz- Gonzalez | 1,366.67 |
| 10-53 31 Pueblo Ct. | 193.02/54.19 | Stuart Lasher P.O. Box 83 Milltown, NJ 08850 Assessed Owners: Mark & Inga Nimirovsky | 5,595.09 |
| TOTAL: | | | \$10,602.95 |

RESOLUTION # 2011-356

WHEREAS, current sewer charges totaling \$ 1,317.83 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 \$ 1,317.83 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> |
|--------------------------|--------------|------------|--------------|--------------------|-------------------|---------------|
| 11-26 34 Duncan Drive | 300 | 41 | | 5498 | C&E Partners | 127.05 |
| 11-25 | 288 | 29 | C0132 | 15102 | C&E Partners | 79.24 |

| | | | | | | |
|----------------------|-----|----|-------|-------|--|--------|
| 11-84 | 176 | 7 | C0869 | 17238 | Stonefield Investments Fund 1, LLC | 370.60 |
| 869 Mariposa Court | | | | | | |
| 11-90 | 386 | 51 | | 9793 | Stonefield Investments Fund 1, LLC | 370.30 |
| 9 Lansdale Drive | | | | | | |
| 11-89 | 315 | 9 | | 5168 | Stonefield Investments Fund 1, LLC | 370.64 |
| 50 Ottawa Road South | | | | | | |

Total: 1,317.83

RESOLUTION # 2011-357

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 297.48 for the year 2010 for Block 412 Lot 175, located at 6 Kingfisher Court, assessed to Rashkovsky, S.& Veyberman E.,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$297.48.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$297.48 to Rashkovsky, S.& Veyberman E.

RESOLUTION # 2011-358

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 1,037.82 for the year 2010 for Block 157 Lot 36.02, located at 98 Conover Road, assessed to Delfaco, Carmine & Ann Maria,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,037.82.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,037.82 to Delfaco, Carmine & Ann Maria.

RESOLUTION # 2011-359

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 227.13 for the year 2010 for Block 312 Lot 50, located at 28 Jennifer Court, assessed to Kwan, Eric & Ivy,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 227.13.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 227.13 to Kwan, Eric & Ivy.

RESOLUTION # 2011-360

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 2,012.81 for the year 2010 for Block 158 Lot 1, located at 166 Pleasant Valley Road, assessed to Marra, Angela,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$ 2,012.81.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,012.81 to Marra, Angela.

RESOLUTION # 2011-361

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License RL#: 29-2011 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 (Casino Night) will be held on November 3, 2011 from 7PM to 11PM at Marlboro Jewish Center, 103 School Road West, Marlboro, New Jersey 07746.

Res. #2011-347 (Raffle License Marlboro Sunshine Fund - On Premise Merchandise) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 3 - 0 in favor, with Council Vice President Cantor and Councilman LaRocca abstaining.

RESOLUTION # 2011-347

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 27-2011 (On Premise Merchandise) be and it is hereby granted to Marlboro Sunshine Fund, Inc., 65 School Road West, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 15, 2011 from 12 Noon to 10 PM on the grounds of the Municipal Complex, 1979 Township Drive, Marlboro, NJ 07746. At 8:45PM, Councilwoman Mazzola 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.

MINUTES APPROVED: October 20, 2011

OFFERED BY: Cantor AYES: 5

SECONDED BY: Metzger NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT