

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

December 19, 2011

The Marlboro Township Council held its regularly scheduled meeting on December 19, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

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

The Clerk called the Roll.

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

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

Council President Marder opened the Public Hearing on Ord. #2011-23 (Authorizing Extension of Deadline for Filing of Claims for Sinkholes - Bolling Brook). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-438/Ordinance #2011-23 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 # 2011-438

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

ORDINANCE # 2011-23

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCES # 2004-23 AND 2009-26 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES IN THE BOLLING BROOK/COUNTRY HILLS

SUBDIVISION LOCATED IN THE TOWNSHIP AND APPROPRIATED
\$83,877.53 THEREFOR FROM THE PORTION OF THE
TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS THE "GROUP
CONSTRUCTION ACCOUNT(S)"

which was introduced on December 8, 2011, public hearing held December 19, 2011, be adopted on second and final reading this 19th day of December, 2011.

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

Council President Marder opened the Public Hearing on Ord. #2011-24 (Authorizing Execution of Easement & Right-of way Agreement to JCP&L as successor to MTMUA). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-439/Ordinance #2011-24 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 # 2011-439

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

ORDINANCE # 2011-24

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EASEMENT AND RIGHT-OF-WAY AGREEMENT FROM THE TOWNSHIP OF MARLBORO AS SUCCESSOR-IN-INTEREST TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY TO JERSEY CENTRAL POWER & LIGHT AND NEW CINGULAR WIRELESS PCS, LLC FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF ELECTRICAL SERVICE

which was introduced on December 8, 2011, public hearing held December 19, 2011, be adopted on second and final reading this 19th day of December, 2011.

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

Council President Marder opened the Public Hearing on Ord. #2011-25 (Appropriating Funds from Capital Surplus for Emergency Repair of Storm Drain Headwall). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-440/ Ordinance #2011-25 was introduced by reference, offered by Councilman

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

RESOLUTION # 2011-440

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

ORDINANCE # 2011-25

AN ORDINANCE APPROPRIATING \$105,000.00 FROM CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH EMERGENCY REPAIRS AND IMPROVEMENTS AT THE SITE OF A TOWNSHIP STORM DRAIN SYSTEM ON TAYLOR ROAD IN THE TOWNSHIP OF MARLBORO

which was introduced on December 8, 2011, public hearing held December 19, 2011, be adopted on second and final reading this 19th day of December, 2011.

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

Council President Marder opened the Public Hearing on Ord. #2011-26 (Authorizing The Acquisition Of A Permanent Storm Sewer Easement Block 225, Lot 42 Also Known As 28 Taylor Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2011-441/Ordinance #2011-26 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 # 2011-441

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

ORDINANCE # 2011-026

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT STORM SEWER EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 225, LOT 42 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, STATE OF NEW JERSEY, ALSO KNOWN AS 28 TAYLOR ROAD, MARLBORO, NEW JERSEY

which was introduced on December 8, 2011, public hearing held December 19, 2011, be adopted on second and final reading this 19th day of December, 2011.

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

The following Resolution #2011-442 (Setting 2012 Reorganization Meeting) 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 # 2011-442

BE IT RESOLVED by the Township Council of the Township of Marlboro that it will hold its Reorganization Meeting on January 5, 2012 at 7 PM at the Town Hall, 1979 Township Drive, Marlboro, New Jersey 07746.

The following Resolution #2011-443 (Authorizing Letter of Credit Release Posted by previous developer and acceptance of replacement - Block 364, Lots 39-41) 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 # 2011-443

RESOLUTION AUTHORIZING THE RELEASE OF A LETTER OF CREDIT
POSTED BY THE PREVIOUS DEVELOPER FOR HIDDEN ESTATES
SUBDIVISION, BLOCK 364 LOTS 39-41, MARLBORO, NEW JERSEY

WHEREAS, the Previous Developer, MRD Fourth Holdings Company, LLC, collectively as developer for the subdivision known as Hidden Estates, Block 364, Lots 39-41 duly posted with the Township of Marlboro for Site Improvements in the original amount of \$213,000.00, current amount of \$90,540.00 as a Letter of Credit, and an original amount of \$22,000.00, current amount of \$10,060.00 as cash; and

WHEREAS, Pantheon Homes, LLC, the successor Developer ("Successor Developer") acquired by assignment all governmental approvals, plans, engineering, architectural and cash deposits for the Hidden Estates Subdivision; and

WHEREAS, the cash bond in the original amount of \$22,000.00, and current amount of \$10,060.00 and any escrow amounts posted by the previous developer to the Township have been assigned to the Successor Developer and remain unchanged and in full force and effect; and

WHEREAS, the Township of Marlboro has receive a request for the release of the Township held a Letter of Credit for the Hidden Estates Subdivision Site Improvements that was issued by the previous developer, MRD Fourth Holdings Company, LLC, in the original amount of \$213,000.00 and current amount of \$90,540.00; and

WHEREAS, the Successor Developer has duly posted a replacement Performance Guarantee Bond in the amount of \$90,540.00 for the Hidden Estates Subdivision Site Improvements in a form acceptable to the Township Attorney; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated December 1, 2011, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Letter of Credit in the original amount of \$213,000.00 and current amount of \$90,540.00 posted by the previous developer, MRD Fourth Holdings Company, LLC, be released upon the approval and acceptance of the replacement Performance Guarantee Bond posted by the successor developer, Pantheon Homes, LLC, and that the cash bond in the original amount of \$22,000.00 and current amount of \$10,060.00 and escrows posted by the previous developer, MRD Fourth Holdings Company, LLC have been assigned to the successor developer and remain in full force and effect; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Letter of Credit, Performance Guarantee Bond, and Cash.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Letter of Credit by the previous developer, MRD Fourth Holdings Company, LLC, for the Hidden Estates Subdivision Site Improvements, Block 364, Lots 39-41, Marlboro, New Jersey, as Letter of Credit #200502023F issued by Monmouth Community Bank in the original amount of \$213,000.00 and current amount of \$90,540.00 shall be released in its entirety and that the cash portion in the original amount of \$22,000.00 and current amount of \$10,060.00 and any escrows posted by the previous developer shall remain with the Township in full force and effect, as such cash and escrows were assigned to the Successor Developer, Pantheon Homes, LLC; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby authorizes the acceptance of the replacement performance bond by First Indemnity of America Insurance Company, No. FP0016746, in the amount of \$90,540.00 for site improvements on the property known as the Hidden Estates Subdivision, Block 364, Lots 39-41, Township of Marlboro, New Jersey; and

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

- a. Salvatore Alfieri, Esq.

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

The following Resolution #2011-444 (Bond Release Fireside Bar & Grill) 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 # 2011-444

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS FIRESIDE BAR & GRILL, BLOCK 415,
LOT 31, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Orlando Rodriguez, PE for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for Site Improvements ("Public Improvements") on the Site known as "Fireside Bar & Grill" (the "Site"), property known as Block 415, Lot 31, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Shamrock at 79, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated December 5, 2011, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond No. 0008176 issued by Companion Property and Casualty Insurance Co. in the amount of \$405,112.00 and cash deposit in the amount of \$45,012.38 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$56,265.48; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a

Bond, Bond No. 0008176 issued by Companion Property and Casualty Insurance Co. in the amount of \$405,112.00 and cash deposit in the amount of \$45,012.38 posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$6,265.48; and

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

- a. Shamrock at 79, Inc.
- b. Companion Property and Casualty Insurance Co.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-445 (Authorizing Award of Contract Snow Removal and De-icing Equipment - 2011 Capital 120-8) 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 # 2011-445

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO TRIUS, INC. FOR THE PROVISION OF V-BOX SPREADER, SPRAY SYSTEM, BRINE TANK AND HEAVY DUTY ROLL OFF FLAT BEDS (FOR V-BOX SPREADER AND BRINE TANK) FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2011 capital program (120-8) authorized the purchase of various snow removal equipment for the Department of Public Works; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF V-BOX SPREADER, SPRAY SYSTEM, BRINE TANK AND HEAVY DUTY ROLL OFF FLAT BEDS (FOR V-BOX SPREADER AND BRINE TANK), and on November 30, 2011, received one (1) bid, as follows:

Trius, Inc.
Farmingdale,
NJ

One V-Box Spreader with Spray System

27,199.00

One Heavy Duty Roll Off Flat Bed for V-Box Spreader	5,633.00
One Brine Tank	30,748.00
One Heavy Duty Roll Off Flat Bed for Brine Tank	5,136.00
TOTAL	68,716.00

; and

WHEREAS, the bid submission of the apparent low bidder for the V-BOX SPREADER, SPRAY SYSTEM, BRINE TANK AND HEAVY DUTY ROLL OFF FLAT BEDS (FOR V-BOX SPREADER AND BRINE TANK), Trius, Inc. of Farmingdale, NJ included minor exceptions which were determined to be non-material in nature by the Director of Public Works; and

WHEREAS, the bid submission of the apparent low bidder, Trius, Inc. of Farmingdale, NJ has been determined to be materially responsive as detailed in a December 6, 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 \$68,716.00 for THE PROVISION OF V-BOX SPREADER, SPRAY SYSTEM, BRINE TANK AND HEAVY DUTY ROLL OFF FLAT BEDS (FOR V-BOX SPREADER AND BRINE TANK); and

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 \$68,716.00 for THE PROVISION OF V-BOX SPREADER, SPRAY SYSTEM, BRINE TANK AND HEAVY DUTY ROLL OFF FLAT BEDS (FOR V-BOX SPREADER AND BRINE TANK); 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 \$68,716.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$ 68,716.00 are available for the aforesaid contract in Capital Account X-04-55-968-912; and

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

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

The following Resolution #2011-446 (Authorizing SCAT Transportation Agreement with Mon. County) 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 # 2011-446

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF
MONMOUTH, FOR SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM
(SCAT) SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into a Shared Services Agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2011; 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 SCAT is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed shared services agreement in a form similar as that attached hereto for the provision of transportation services pursuant to the "Special Citizens Area Transportation System" ("SCAT") to eligible residents of Marlboro Township for the year 2012; 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
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Resolution #2011-447 (Authorizing Contract Appraisal Services - Gagliano & Co.) was introduced by reference, offered by Councilman Metzger and seconded by Council President Marder. Discussion followed, during which Council members asked various questions which were addressed by Business Administrator Jonathan Capp. After discussion, the resolution was defeated on a roll call vote 0 - 4 (Absent: Cantor).

The following Resolution #2011-448 (Budget Transfers) 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 # 2011-448

RESOLUTION AUTHORIZING 2011 BUDGET TRANSFERS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2011 Municipal Budget as follows:

FROM Account From:	Account No.	Salaries & Wages	Other Expenses	TO Account To:	Account No.	Salaries & Wages	Other Expenses
Tax Assessor	1-01- -xxx-101	9,000.00		Accrued Absence	1-01- -xxx-xxx	40,000.00	

Engineering Road Maintenance	1-01- -xxx-xxx	15,000.00	Building & Grounds	1-01- -xxx-xxx	6,000.00	
Vehicle Maintenance	1-01- -xxx-xxx	12,000.00	Finance	1-01- -xxx-xxx		10,000.00
Parks & Rec functions	1-01- -xxx-101	10,000.00				
	1-01- -xxx-xxx	10,000.00				
		56,000.00			46,000.00	10,000.00

As the Consent Agenda, the following Resolutions were 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):
 Res. #2011-449 (Cancelling 2011 Unexpended Balances - Swim Utility),
 Res. #2011-450 (Authorizing Payment of Various MTMUA Escrow Invoices),
 Res. #2011-451 (Authorizing Chapter 159 Budget Amendment - FY 11 Body Armor Replacement Fund), Res. #2011-452 (Authorizing Grant Application COPS in Shops Program), Res. #2011-453 (Water Installment Agreement - DiGarbo), Res. #2011-454 (Authorizing Lien - 12 Colony Drive - B 420, L 28), Res. #2011-455 (Authorizing Lien - 30 Duncan Drive - B 301, L 36), Res. #2011-456 (Authorizing Lien - 16 Jennifer Court - B 320, L 4) Res. #2011-457 (Authorizing Lien - 13 North Main Street - B 223, L 12), Res. #2011-458 (Authorizing Lien - 2 Opatut Court - B 193, L 32), Res. #2011-459 (Authorizing Lien - 19 Shallow Brook Ct. - B 155, L 1.07), Res. #2011-460 (Authorizing Lien - 1 Sycamore Court - B 395, L 9), Res. #2011-461 (Authorizing Lien - 421 Route 79 - B 151, L 3), Res. #2011-462 (Authorizing Lien - 14 Bernadette Dr. - B 119.02, L 7), Res. #2011-463 (Authorizing Lien - 72 Church Road - B 304, L 9), Res. #2011-464 (Cancellation Balance 2011 Taxes - B 180, L 6), Res. #2011-465 (Mon. County Bd. of Taxation Appeal Refund - B 421.01, L 1), Res. #2011-466 (Mon. County Bd. of Taxation Appeal Refund - B 413, L 24.01), Res. #2011-467 (Mon. County Bd. of Taxation Appeal Refund - B 287, L 38), Res. #2011-468 (Refunds for Overpayments 2011 Taxes - Various), Res. #2011-469 (Redemption Tax Sale Certs - Various), Res. #2011-470 (Refund for Overpayment Sewer Charges), Res. #2011-471 (Refunds to WMUA - Various), Res. #2011-472 (Tax Court Judgment Refund - 20.01, L 16), Res. #2011-473 (Rescinding Res. 2011-433), Res. #2011-474 (Authorizing Amendment to Cooperative Pricing System with the State of New Jersey and Pricing Agreement with Marlboro Bd. of Ed. to Include Natural Gas).

RESOLUTION # 2011-449

WHEREAS, appropriations exist in the 2011 Swim Utility Operating budget that have been deemed to not be needed for the operations of 2011, and

WHEREAS, unspent appropriations may be cancelled to operating surplus in the year budgeted.

NOW, THEREFORE, BE IT RESOLVED that a total of \$75,000.00 in 2011 appropriations be hereby canceled and credited to the Swim Utility Operating Surplus account as follows:

Swim Operating Other Expenses	\$30,000.00
Swim Operating Capital Outlay	\$45,000.00

RESOLUTION # 2011-450

WHEREAS, the Township of Marlboro assumed the operations of the former Marlboro Township Municipal Utilities Authority in 2010, and

WHEREAS, disbursements against the escrow accounts held by the former Marlboro Township Municipal Utilities Authority need to be processed by the new Water Utility administration and approved for payment by the governing body of the Township of Marlboro, Monmouth County, State of New Jersey,

NOW, THEREFORE, BE IT RESOLVED that the following checks are hereby approved for payment from the Water Utility Escrow Account:

<u>Check Number</u>	<u>Vendor</u>	<u>Invoice Number (s)</u>	<u>Amount</u>
1002	CME Assoc	123241	\$ 378.50
1003	CME Assoc	108841	\$ 10,212.43
1004	CME Assoc	109894	\$ 102.50
1005	CME Assoc	Multi	\$ 5,822.98
1006	CME Assoc	112390,112913	\$ 377.67
1007	CME Assoc	Multi	\$ 1,233.38
1008	CME Assoc	Multi	\$ 29,281.66
1009	CME Assoc	108842	\$ 1,811.20
1010	CME Assoc	Multi	\$ 1,134.50
<u>1011</u>	<u>CME Assoc</u>	<u>Multi</u>	<u>\$ 2,521.75</u>
Total			\$ 52,876.57

RESOLUTION # 2011-451

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 \$6,208.90, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "State Body Armor Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$6,208.90 be hereby appropriated under the caption "State Body Armor Grant".

RESOLUTION # 2011-452

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP POLICE DEPARTMENT
TO APPLY TO THE STATE OF NEW JERSEY OFFICE OF THE ATTORNEY
GENERAL DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF
ALCOHOLIC BEVERAGE CONTROL FOR THE COPS IN SHOPS -
COLLEGE/FALL INITIATIVE 2011-2012

Whereas, the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control has received grant funds from the Division of Highway Traffic Safety to administer the Cops-In-Shops- College/Fall Initiative for 2011-2012; and

Whereas, this program is a cooperative effort between the Division of Highway Traffic Safety (HTS) and the Division of Alcoholic Beverage Control (ABC); and

Whereas, it is the intent and spirit of the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control to use the grant to assist local undercover law enforcement officers to join forces with local retail establishments to deter the sales of alcohol to underage individuals and to stop adults from attempting to purchase alcohol for people under the legal age; and

Whereas, the Marlboro Township Police Department wishes to apply to the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control for the Cops-In-Shops-College/Fall Initiative 2011-2012 grant.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a

grant application to the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of Alcoholic Beverage Control for the COPS IN SHOPS program.

BE IT FURTHER RESOLVED THAT that Mayor and Township Clerk are hereby authorized to execute the "COPS IN SHOPS - COLLEGE/FALL INITIATIVE 2011-2012" grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

RESOLUTION # 2011-453

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, Rose DiGarbo, the resident (tenant) of 203 Forsythia Lane, which is designated as Block 288, Lot 29, Qualifier C0203 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 G00832 and Account ID Number 63610; and

WHEREAS, Customer has a delinquent Account balance of \$858.83 (exclusive of accrued interest), which is attributable to water service for the quarterly period ended November 14, 2011, and which is due for payment by December 15, 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 \$858.83 (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. Rose DiGarbo (Customer)
- g. Estate of Abe Goldenberg(Owner)
- h. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-454

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 \$ 400.00; and

WHEREAS, it is recommended that the amount of \$ 400.00 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 \$ 400.00 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 # 2011-455

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 overgrown 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 \$ 100.00; and

WHEREAS, it is recommended that the amount of \$ 100.00 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 \$ 100.00 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 # 2011-456

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 overgrown 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 \$ 100.00; and

WHEREAS, it is recommended that the amount of \$ 100.00 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 \$ 100.00 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 # 2011-457

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 overgrown 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 \$ 50.00; and

WHEREAS, it is recommended that the amount of \$ 50.00 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 \$50.00 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 # 2011-458

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 2 OPATUT COURT
(BLOCK 193, LOT 32), MORGANVILLE, 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 2 Opatut Court (Block 193, Lot 32); 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 2 Opatut Court (Block 193, Lot 32) at a total cost of \$ 247.18; and

WHEREAS, it is recommended that the amount of \$ 247.18 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 2 Opatut Court (Block 193, Lot 32) in the amount of \$ 247.18 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 # 2011-459

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 \$ 400.00; and

WHEREAS, it is recommended that the amount of \$ 400.00 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 \$ 400.00 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 # 2011-460

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 overgrown 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 \$ 250.00; and

WHEREAS, it is recommended that the amount of \$ 250.00 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 \$ 250.00 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 # 2011-461

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS
OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE
TAX COLLECTOR ON THE PROPERTY LOCATED AT 421 ROUTE 79
(BLOCK 151, LOT 3), MORGANVILLE, 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 421 Route 79 (Block 151, Lot 3); 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 421 Route 79 (Block 151, Lot 3) at a total cost of \$ 322.18; and

WHEREAS, it is recommended that the amount of \$ 322.18 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 421 Route 79 (Block 151, Lot 3) in the amount of \$ 322.18 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 #2011-462

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 overgrown 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 \$ 100.00; and

WHEREAS, it is recommended that the amount of \$ 100.00 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 \$ 100.00 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 # 2011-463

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 \$ 150.00; and

WHEREAS, it is recommended that the amount of \$ 150.00 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 \$ 150.00 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 # 2011-464

WHEREAS, there are taxes for the year 2011 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 180 Lot 6 ,located on Tennent Road.

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, 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 to cancel the balance of the 2011

taxes totaling \$6,492.15 as stated above.

RESOLUTION # 2011-465

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$146.59 for the year 2010 for Block 421.01 Lot 1, located at 2 Craig Drive, assessed to Calo, Gerardo, Jr. and Katia,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$146.59.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$146.59 to Calo, Gerardo, Jr. and Katia.

RESOLUTION # 2011-466

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$1,186.99 for the year 2011 for Block 413 Lot 24.01, located at 25 Ryan Road, assessed to Fayfman, Eduard & Diana,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,186.99.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,186.99 to Fayfman, Eduard & Diana.

RESOLUTION # 2011-467

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$2,049.00 for the year 2011 for Block 287 Lot 38, located at 23 Kilmer Drive, assessed to Kilmer Park, LLC,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,049.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,049.00 to Kilmer Park, LLC.

RESOLUTION # 2011-468

WHEREAS, the attached list in the amount of \$16,113.40 known as Schedule "A", is comprised of amounts representing overpayments for 2011 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned

overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2011 REFUND</u>
360.02	18.12	Morris & Karen Lener 9 Clymer Court Marlboro, NJ 07746	3,684.73
119.06	14	Ciro & Joanne Amaturro 508 Lanzaro Drive Morganville, NJ 07751	250.95
371	276	Phyllis Frank & Regina Werbler 37 Lakeview Drive Marlboro, NJ 07746	82.70
139	81	Darwen Rau & Shy-Renn Lian 329 Dover Court Morganville, NJ 07751	94.53

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2011 REFUND</u>
137	12	Ronald & Sandra Parsons 48 Roosevelt Avenue Morganville, NJ 07751	65.70
153	127	Allen & Janice Saltzman 8 Doree Road Morganville, NJ 07751	3,555.63
155	16.75	James Ferris & Maryann Bell 201 Navajo Court Morganville, NJ 07751	823.92
178	290 C0316	Oxana Kitaina 316 Bernand Drive Morganville, NJ 07751	155.30
228	12	Gabi & Rebecca Teboul 8 River Drive Marlboro, NJ 07746	2,549.14
269	25	Deepak & Shailja Mathur 25 Willow Lane Englishtown, NJ 07726	173.27
275	6	Jay & Kristine L. Siegel 11 Sandburg Drive Morganville, NJ 07751	2,192.30
275	19	Sam & Marie Riccobono 37 Sandburg Road Morganville, NJ 07751	673.88
300	47	Alfred & Ida Vastola 477 Tennent Road Morganville, NJ 07751	81.45
305	47	Richard J. & Rita P. Singer 20 Calgary Circle Morganville, NJ 07751	229.30
332	6	Daniel T. Teeter & Carol S. Vargo 25 Robertsville Road Marlboro, NJ 07746	196.28

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2011 REFUND</u>
366	7	Lauro G. Pomasan 5 Yellowbrook Road Marlboro, NJ 07746	528.15
394	2.17	Anatoly & Valentina Leverant 6 Willard Court Marlboro, NJ 07746	313.16
412.05	3	Yun & Jennie Fu 30 Woodpecker Way Marlboro, NJ 07746	463.01
TOTAL:			\$ 16,113.40

RESOLUTION # 2011-469

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$7,403.37 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 \$7,403.37 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>
11-102	178/290 C0112	Changsheng Lu	\$ 7,403.37
112 Nathan Dr.		4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owners: Christopher & Alison Kegelman	

RESOLUTION # 2011-470

WHEREAS, the attached list in the amount of \$1,041.00 known as Schedule "A", is comprised of amounts representing overpayments for 2011 sewer charges paid by lien holders holding a tax sale certificate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned

overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>Block</u>	<u>Lot</u>	<u>Refund Issued to</u>	<u>2011 REFUND</u>
355	17	US BANK CUST/SASS MUNI VI	\$1,041.00
9 South Main St.		2 Liberty Place 16 th St	
11-59		Philadelphia, PA 19102	

RESOLUTION # 2011-471

WHEREAS, current sewer charges totaling \$1,042.11 been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$1,042.11 be refunded to 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>
10-155	412.04	12		20083	Brian Walsh	110.83
	40 Kingfisher Court					
10-145	106	6		15207	Brian Walsh	579.35
	17 Thomas Lane					
10-108	396	1	C0294	16229	Crestar Capital	10.25
	294 Plum Drive					
08-17	196	36		10388	Plymouth Park	229.06
	32 Overhill Drive					
09-21	213	17		02928	Richard Pisciotta	112.62
	11 Quincy Street					
					Total:	\$1,042.11

RESOLUTION # 2011-472

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$ 3,384.84 for the year 2010 and \$ 5,871.82 for the year 2011 for Block 420.02 Lot 16, located at 14 Diamond Hill Road, assessed to Yerram, Madhusudhan & Roopa,

WHEREAS, the 2010 and 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$9,256.66.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$9,256.66 to Yerram, Madhusudhan & Roopa.

RESOLUTION # 2011-473

WHEREAS, Resolution # 2011-433 was approved by the Marlboro Township Council at the December 8, 2011 Marlboro Township Council Meeting, and

WHEREAS, the Tax Collector has reported that Resolution # 2011-433 needs to be rescinded due to an error in the Block and Lot number.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that Resolution # 2011-433 approved at the December 8, 2011 Marlboro Township Council Meeting be hereby rescinded.

RESOLUTION # 2011-474

A RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO AMEND ITS APPROVED COOPERATIVE PRICING SYSTEM (190MTPCS) AND AMEND THE COOPERATIVE PRICING AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO INCLUDE NATURAL GAS SERVICE

WHEREAS, on February 17, 2011, the Marlboro Township Council adopted R. 2011-73 authorizing a Cooperative Pricing System and the entry into a Cooperative Pricing Agreement for its administration; and

WHEREAS, on March 15, 2011, the Township entered into a Cooperative Pricing Agreement with the Marlboro Board of Education for "Electric Generation Service"; and

WHEREAS, on April 7, 2011, the State of New Jersey Division of Local Government Services approved the Cooperative Pricing System for "Electric Generation Service"; and

WHEREAS, the Township of Marlboro wishes to modify its Cooperative Pricing System with the State of New Jersey and Cooperative Pricing Agreement with the Marlboro Board of Education to include the commodity "Natural Gas Service".

NOW, THEREFORE BE IT RESOLVED as follows:

1. The Township Council of the Township of Marlboro hereby authorizes the Mayor to request an amendment to its approved Cooperative Pricing System with the State of New Jersey to include the commodity "Natural Gas Service" with the Township of Marlboro continuing to serve as the Lead Agency.

2. The Mayor of Marlboro Township is hereby authorized to execute an amendment to the Cooperative Pricing Agreement with the Marlboro Board of Education to include "Natural Gas Service".

At 7:40PM, Councilman Metzger moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council President Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor). Recess was called, and the executive session resumed at 7:55 PM.

RESOLUTION # 2011-475

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 19th day of December, 2011 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 5 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 7:55 PM, Council President Marder moved that the meeting be opened. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to case one ballot (Absent: Cantor).

The following Resolution #2011-476 (Authorizing Settlement Agreement - Paragon Homes II, LLC and Marble Arch Homes, Inc.) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. Discussion followed, during which Township Attorney Louis Rainone explained the settlement and answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-476

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT
AGREEMENT BETWEEN PARAGON HOMES II, LLC AND MARBLE
ARCH HOMES, INC. AND THE TOWNSHIP OF MARLBORO

WHEREAS, Paragon Homes II LLC, Diana Bolton and Bayfield Properties LLC ("Plaintiffs") filed a lawsuit against Marlboro Township Planning Board, the Township of Marlboro and the Marlboro Township Council in the

Superior Court of New Jersey, Monmouth County, Law Division, Docket No. MON-L-4622-09;

WHEREAS, Marble Arch Homes, Inc. is the contract purchaser from Plaintiffs of the eight market units at issue and is an Intervener Plaintiff;

WHEREAS, the Township of Marlboro Planning Board imposed an obligation on Plaintiffs to provide one low and moderate income housing unit for each eight market units that would be constructed (the "housing obligation");

WHEREAS, Plaintiffs and Intervener Plaintiff have filed suit claiming that this housing obligation requirement is contrary to COAH regulations, and is procedurally invalid because it was adopted by the Marlboro Planning Board at final approval rather than at preliminary approval;

WHEREAS, Plaintiffs and Intervener Plaintiff have also challenged the zoning of the Township of Marlboro authorizing the Planning Board to impose the housing obligation;

WHEREAS, the parties have agreed that a fair and equitable settlement would be that the purchaser, Intervener Plaintiff Marble Arch Homes, Inc., or its successor or assigns, shall reimburse the Township and the Planning Board for the legal fees and costs in the litigation and make a payment to the Township Affordable housing Trust Fund, the total of both payments to equal 1% of the sales price of each of the eight units that it will be constructing; and

WHEREAS, the payment shall be made as 50% of the sales price each time a building permit issues for a market unit and 50% at the time the Certificate of Occupancy for the market unit is issued; and

WHEREAS, Plaintiffs and Intervener Plaintiff will withdraw all its claims against the Township of Marlboro, the Marlboro Township Council and the Planning Board of Marlboro upon finalization of this Agreement; and

WHEREAS, the Township Council of the Township of Marlboro has been briefed as to the proposed settlement between the parties and desires to settle the litigation in an amicable manner in order to avoid the expenditure of time and monies in protracted litigation, deeming such settlement to be in the best interest of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that it hereby authorizes the Township Attorneys to enter into a Settlement Agreement with Paragon Homes II, LLC and Marble Arch Homes, Inc. to resolve the litigation; and

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

- a. Mayor Jonathan L. Hornik
- b. Township Business Administrator
- c. DeCotiis, Fitzpatrick & Cole, LLP

At 8:00 PM, 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 (Absent: Cantor).

MINUTES APPROVED: January 19, 2012

OFFERED BY:	Metzger	AYES:	4
SECONDED BY:	Mazzola	NAYS:	0
		ABSTAIN:	Cantor

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT