

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

April 12, 2012

The Marlboro Township Council held its regularly scheduled meeting on April 12, 2012 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor 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 to the Asbury Park Press, the Star Ledger and News Transcript on January 9, 2012; 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 Marder, Councilwoman Mazzola, Council Vice President Metzger and Council President Cantor.

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

Council Vice President Metzger moved that the minutes of March 1 and March 22, 2012 be approved. This was seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor, with Councilman LaRocca abstaining.

Council President Cantor opened the Public Hearing on the 2012 Municipal Budget. After the Public Hearing was held and closed, the following Resolution #2011-136 (Adoption of 2012 Municipal Budget) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-136

RESOLUTION AUTHORIZING THE ADOPTION  
OF THE 2012 MUNICIPAL BUDGET

WHEREAS, the 2012 Township of Marlboro Municipal Budget was introduced on March 1, 2012; and

WHEREAS, the required public hearing was scheduled and held on April 12, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2012 Township of Marlboro Municipal Budget.

The following Resolution #2012-102/Ordinance #2012-5 (Amend Chapter 4, 10 & 265 - Consolidating Functions of Various Boards, Commissions and Committees into a Recreation and Swim Utility) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-102

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

ORDINANCE # 2012-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT"; CHAPTER 10 "RECREATION COMMISSION"; AND CHAPTER 265 "PARKS AND RECREATION FACILITIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO CONSOLIDATE THE FUNCTIONS OF VARIOUS BOARDS, COMMISSIONS AND COMMITTEES IN A RECREATION UTILITY

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 3, 2012 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 # 2012-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT"; CHAPTER 10 "RECREATION COMMISSION"; AND CHAPTER 265 "PARKS AND RECREATION FACILITIES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO CONSOLIDATE THE FUNCTIONS OF VARIOUS BOARDS, COMMISSIONS AND COMMITTEES IN A RECREATION AND SWIM UTILITY

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that

Chapter 4 entitled, Administration of Government, is hereby amended and supplemented to amend its Recreation Department functions, Recreation Commission Functions, Swim Club Utility functions and to establish a single recreation and swim utility as follows:

1. Section 4-5(C), Agencies and boards, is amended to read as follows:

§4-5(C) Agencies and boards. In addition to the offices and departments provided for herein, there shall be the following agencies and boards which are not assigned to any department:

- (1) Zoning Board of Adjustment.
- (2) Planning Board.
- (3) Free Public Library.
- (4) Historic Preservation Advisory Commission.
- (5) Environmental Commission.
- (6) Shade Tree Committee.
- (7) Open Space Committee.
- (8) Agriculture Advisory Committee.
- (9) Youth Exchange Committee.
- (10) Affordable Housing Board.
- (11) Ethics Board.
- (12) Economic Development Committee
- (13) Teen Advisory Committee

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 4-64, entitled, Department established; organization, is hereby repealed and replaced with the following:

§4-64 - Recreation Department established; organization

- A. There shall be a Department of Recreation, the head of which shall be the Director of Recreation.
- B. The Director of Recreation shall perform such duties as, but not limited to, the following:
  1. Full control over the administration, operation and maintenance of all indoor and outdoor athletic and recreational programs and activities for children and adults, including but not limited to, the Marlboro Swim Club, the Marlboro Aquatic Center, parks, playgrounds and facilities, in conjunction with the Recreation and Swim Utility.
  2. Planning and promoting the immediate and long-term recreational needs of the Township.

3. Sponsor and administer programs in cooperation with other public and private agencies and organizations.
4. Promote and direct an all-year program of swimming, recreation and related activities for the residents of the Township.

§4-64.1 - Recreation and Swim Utility.

- A. A Recreation and Swim Utility shall be established as a division within the Department of Recreation. The Recreation and Swim Utility shall maintain and operate all Township owned swimming facilities, parks, playgrounds, and indoor and outdoor recreation facilities and programs; and develop immediate and long-range plans to meet the swimming and recreation related needs of the Township.
- B. The Recreation and Swim Utility, under the direction of the Department of Recreation, is hereby authorized to collect fees for the cost of operation of various swimming and indoor and outdoor recreation programs to defray the cost of the operation of various recreation programs within the Township.
- C. Beginning January 1, 2013, all revenue and the accounting therefore from the Recreation and Swim Utility shall be on a dedicated utility basis in conformance with the provisions of N.J.S.A. 40A:4-33, 34 and 35. All monies derived from the operation of said Recreation and Swim Utility, in conjunction with the Department of Recreation, and any other monies applicable to its support shall be segregated and kept in a separate fund which shall be known as the "Recreation and Swim Utility Fund". All disbursements for the operation and maintenance of the Recreation and Swim Utility shall be taken from the Recreation and Swim Utility Fund. The Swim Utility shall be renamed the Recreation and Swim Utility effective January 1, 2013.
- D. The dedicated budget of the Recreation and Swim Utility shall include appropriations for operating expenses, capital improvements, debt service and for the portion of all other deferred charges and statutory expenses as may be required or allowed.

- E. The Recreation Commission and Recreation Trust Fund shall continue in operation in accordance with Article III, Section 10 through December 31, 2012, except that effective immediately, all recommendations of the Commission will be subject to the approval of the Recreation Director.

§4-64.2 - Recreation and Swim Advisory Committee. A Recreation and Swim Advisory Committee shall be established as a division within the Department of Recreation, which shall advise the Mayor and the Director of the Recreation Department on the operation of the Township swimming facilities, parks, playgrounds, and indoor and outdoor recreation programs and such other advisory duties as may be assigned to it by the Mayor.

- A. The Recreation and Swim Advisory Committee shall consist of seven members and two alternate members, appointed by the Mayor, all of whom shall be residents of the Township of Marlboro. All members, including alternates, shall serve without compensation, except as hereinafter provided. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Committee. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."
- B. The Committee Members first appointed shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, two members for a term of four years, and two members for a term of five years. Thereafter, all appointments shall be made for a term of five years.
- C. The alternate Committee Members first appointed shall be appointed as follows: Alternate No. 1 for a term of four years, and Alternate No. 2 for a term of five years. Thereafter, all appointments for alternate members shall be made for a term of five years.
  - a. The Mayor or Township Council may remove any member of the Committee for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. Vacancies occurring for any reason other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§4-64.3 - Recreation and Swim Sub-Committees. Recreation and Swim Sub-Committees shall be established under the Recreation and Swim Advisory Committee, which shall advise the Recreation and Swim Advisory Committee on the operation of the Township swimming facilities, parks, playgrounds, and indoor and outdoor recreation programs and such other duties as may be assigned to it by the Mayor. The Mayor may form as many sub-committees as is deemed necessary.

- A. Each Recreation and Swim Sub-Committee shall consist of up to seven members, appointed by the Mayor, all of whom shall be residents of the Township of Marlboro. All members shall serve without compensation, except as hereinafter provided. The Mayor shall designate one of the members to serve as presiding officer for each of the Sub-Committee.
- B. The Committee Members first appointed shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, two members for a term of four years, and two members for a term of five years. Thereafter, all appointments shall be made for a term of five years.

§4-64.4 - Granting of financial need waivers. Upon application, the Department of Recreation may, after investigation, grant a scholarship for any of the programs conducted by the Department of Recreation in circumstances of financial need. The Recreation Director is hereby authorized and directed to promulgate such reasonable regulations governing the granting of such financial need waivers.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 4-96, Recreation Commission, is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 4-103, Swim Club Utility, is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 10, Article III entitled, Recreation Commission, is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 265 entitled, Parks and Recreation Facilities, is hereby amended to change any references to "Recreation Commission" or "Swim Club Division" to "Department of Recreation".

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Chapter 265 entitled, Parks and Recreation Facilities, is hereby amended to change any references to "Swim Club Executive Director" to "Director of Recreation".

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 265-5 entitled, Granting of Scholarships, is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 265-13 entitled, Facilities covered, is hereby amended to reflect the following additional facilities:

L. Marlboro Swim Club

M. Marlboro Aquatic Center

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 265-16 entitled, Definitions, is hereby amended to delete the definition of "Swim Club Division".

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro that Section 265-31 entitled, Definitions, is hereby amended to delete the definition of "Swim Club Division".

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

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

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

The following Resolution #2012-137/Ordinance #2012-7 (Appropriating \$380,000.00 from Capital Surplus for improvements to athletic fields at the Municipal Complex) was introduced by reference, offered by Councilman LaRocca and seconded by Councilwoman Mazzola. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-137

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

ORDINANCE # 2012-7

AN ORDINANCE APPROPRIATING \$380,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO ATHLETIC FIELDS AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 3, 2012 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 # 2012-7

AN ORDINANCE APPROPRIATING \$380,000.00 FROM CAPITAL SURPLUS FOR IMPROVEMENTS TO ATHLETIC FIELDS AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is looking to improve and expand recreational opportunities for its residents; and

WHEREAS, the Township received a grant for a reimbursement from New Jersey Green Acres to fund the cost of constructing a soccer turf field at the Marlboro Municipal Complex with a final extension granted through June 30, 2012 to complete the project; and

WHEREAS, the Township wishes to make use of the existing Green Acres grant and complete the soccer turf field project in the required timeframe; and

WHEREAS, the Township continues to explore alternate sources to fund this project; and

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

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a sum of \$380,000.00 is hereby

appropriated for the aforementioned work from the Township Capital Surplus account; and

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

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

The following Resolution #2012-138/Ordinance #2012-8 (Authorizing Issuance of Bonds or Notes General Capital Improvements) was introduced by reference, offered by Council Vice Metzger and seconded by Council President Cantor. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 1 in favor with Councilwoman Mazzola voting no.

RESOLUTION # 2012-138

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

ORDINANCE # 2012-8

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,879,221 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,287,511 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 3, 2012 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 # 2012-8

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$2,879,221 THEREFOR, AND

PROVIDING FOR THE ISSUANCE OF \$2,287,511 IN  
BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO  
FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$2,879,221, and including the aggregate sum of \$116,710 as the down payments for the improvements or purposes pursuant to the Local Bond Law and the \$250,000 open space grant expected to be received from the County of Monmouth and the \$225,000 Municipal Aid program grant expected to be received from the New Jersey Department of Transportation. The down payments have been made available by virtue of the provision in a previously adopted budget or budgets for down payment or for capital improvement purposes.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,287,511 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: various improvements to Class B (as provided in the Local Bond Law) municipal buildings, including, without limitation, install generator at Marlboro First Aid building, installation of drop ceiling air conditioning unit, remediation and improvements at Police Building, installation of truck lift, HVAC and building upgrades at Municipal Building, Municipal Annex renovations and gym floor replacement, and

including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$580,657
Amount of Down Payment:	28,187
Maximum Amount of Bonds or Notes:	\$552,470
Period of Usefulness	15 years

- (2) Purpose: purchase of information and telecommunication equipment with a unit cost of less than \$5,000, including, without limitation, MS licensing enterprise agreement, miscellaneous computer hardware, annual PC and laptop replacement program, replacement of laser printers, toughbook modems, wireless access points, pagers for Marlboro First Aid Squad and replacement of mobile and portable radios, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$217,588
Amount of Down Payment:	\$ 10,563
Maximum Amount of Bonds or Notes:	\$ 207,025
Period of Usefulness	5 years

- (3) Purpose: purchase of information and telecommunication equipment with a unit cost of \$5,000 or greater, including, without limitation, copier, remote receiver site and microwave link, and standby microwave equipment, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$52,736
Amount of Down Payment:	\$ 2,560
Maximum Amount of Bonds or Notes:	\$50,176
Period of Usefulness	5 years

- (4) Purpose: improvements to parks and recreational facilities, including, without limitation, improvements to athletic fields, improvements to Nolan Road Park, improvements to Vanderburg Soccer Complex and Aquatic Center, softball field and handball court at Marlboro Elementary School, tennis courts at Robertsville School, improvements to Municipal Park Complex, improvements to Hawkins Road Park and improvements to Geoghegen Property Ballfield, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost:	\$798,990
Grant Expected to be Received:	\$250,000
Amount of Down Payment:	26,650
Maximum Amount of Bonds or Notes:	\$522,340

Period of Usefulness: 15 years

- (5) Purpose: the reconstruction of various roads to Class B standard, as provided in the Local Bond Law, including, without limitation, improvements to Texas Road, road improvements at Morganville First Aid Squad, road improvements at Union Hill Commuter Lot and the Township's 2012 Road Improvement Program, such roads to be identified on a list to be filed in the Township Clerk's office, as such list may be modified from time to time, and including necessary drainage improvements and all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$667,440  
Amount of Down Payment: \$ 32,400  
Maximum Amount of Bonds or Notes: \$635,040  
Period of Usefulness: 10 years

- (6) Purpose: the reconstruction of portions of Vanderburg Road to Class B standard, as provided in the Local Bond Law, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$276,500  
Grant Expected to be Received: \$225,000  
Amount of Down Payment: \$2,500  
Maximum Amount of Bonds or Notes: \$49,000  
Period of Usefulness: 10 years

- (7) Purpose: purchase of equipment, excluding information and telecommunication equipment, including, without limitation, furniture replacement, refurbishment of dump truck bodies and equipment necessary to outfit police vehicles, including, without limitation, cages, partition with sliding window and radar and defibrillator, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$79,310  
Amount of Down Payment: \$ 3,850  
Maximum Amount of Bonds or Notes: \$75,460  
Period of Usefulness: 15 years

- (8) Purpose: purchase of automotive vehicles excluding passenger cars and station wagons, including, without limitation, dump truck with plow and spreader and pickup truck with plow, and including all work and materials necessary therefore and incidental thereto.

Appropriation and Estimated Cost: \$206,000

Amount of Down Payment:	\$10,000
Maximum Amount of Bonds or Notes:	\$196,000
Period of Usefulness	5 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They

are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.52 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,287,511, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$414,050 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

Section 7. Except as provided in Section 8, any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. As a portion of the total appropriation of \$2,879,221 made in Section 1 hereof, there is herein appropriated for the improvements or purposes described in Section 3(a) hereof the sum of \$250,000 in open space grant expected to be received from the County of Monmouth and \$225,000 Municipal Aid program grant expected to be received from the New Jersey Department of Transportation's Fiscal Year 2012 Municipal Aid Program

Section 9. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Resolution #2012-139/Ordinance #2012-9 (Authorizing Issuance of Bonds or Notes Swim Capital Improvements) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-139

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

ORDINANCE # 2012-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$136,475 THEREFOR, AND PROVIDING FOR THE

ISSUANCE OF \$136,475 IN BONDS OR NOTES OF THE  
TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 3, 2012 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 # 2012-9

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE SWIM UTILITY IN THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$136,475 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$136,475 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$136,475. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$136,475 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the

renovation of the swim club bathrooms, refurbish basketball courts and snack bar at the Swim Club and improvements to the Marlboro Country Park relating to the Swim Club, including, but not limited to, upgrade of the softball field, tennis courts, lighting, handball wall and courts, fencing and walkways, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No

part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$136,475, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$23,625 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than those identified in Section 8 hereof) shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Resolution #2012-140/Ordinance #2012-10 (Authorizing Issuance of Bonds or Notes Water Capital Improvements) was introduced by reference, offered by Councilwoman Marder and seconded by Vice President Metzger. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-140

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

ORDINANCE # 2012-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$334,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$334,750 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

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

BE IT FURTHER RESOLVED that the same be considered for final passage on May 3, 2012 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 # 2012-10

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY SYSTEM IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$334,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$334,750 IN WATER UTILITY BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of

Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$334,750. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$334,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued are water meter replacement, acquisition of hydrants, valves, pipes and other capital repair materials and major emergency capital repairs to the water treatment plants and water distribution system, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the

notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$334,750, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$24,750 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purposes that are deemed to be self-liquidating pursuant to N.J.S.A.

40A:2-46 and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Resolution #2012-141 (Authorizing Developer's Agreement Old Mill Estates) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-141

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND OLD MILL ESTATES, LLC IN CONNECTION WITH PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL FOR THE SITE LOCATED ON BLOCK 413, LOTS 38.01, 38.02, 38.03, 38.06, 38.07, 38.08, 38.09, 38.10 AND 38.11, 28 OLD MILL ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On August 5, 2009 the Planning Board of the Township of Marlboro ("Planning Board") adopted a resolution granting Preliminary and Final Major Subdivision Approval with Bulk Variance Relief to Paragon Homes, II LLC/Bayfield Properties, LLC who sold their interests in the Property to

Marble Arch Homes, Inc./Old Mill Estates, LLC ("Developer") for the development of property known as Block 413, Lots 38.01, 38.02, 38.03, 38.06, 38.07, 38.08, 38.09, 38.10 and 38.11, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on 28 Old Mill Road (the "Site"); and

WHEREAS, the Planning Board resolution conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk be and are hereby authorized to execute the Developer Agreement with Old Mill Estates, LLC the ("Developer") for the Preliminary and Final Major Subdivision Approval with Bulk Variance Relief issued for the site located on Block 413, Lots 38.01, 38.02, 38.03, 38.06, 38.07, 38.08, 38.09, 38.10 and 38.11 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on 28 Old Mill Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Old Mill Estates, LLC
- b. Kenneth Pape, Esq.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Engineer
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-142 (Authorizing Memorandum of Understanding with State of New Jersey for Special Needs Partnership) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-142

AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY ("HMFA"), THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES AND THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has affordable housing trust fund (AHTF) monies that it chooses to allocate for affordable, supportive housing within the Township; and

WHEREAS, the New Jersey Department of Community Affairs, Housing and Mortgage Finance Agency and New Jersey Department of Human Services are collectively working to expand housing opportunities and expedite the process of placing developmentally disabled individuals in community based upon housing; and

WHEREAS, it is in the best interests of the Township of Marlboro to enter into a Memorandum of Understanding with the New Jersey Housing and Mortgage Finance Agency as well as the New Jersey Department of Human Services which would facilitate the creation of appropriate housing for individuals with developmental disabilities within the Township.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that the Mayor, Township Clerk, or any other Township Official, as may be appropriate, are hereby authorized to execute a Memorandum of Understanding with the New Jersey Housing and Mortgage Finance Agency as well as the New Jersey Department of Human Services, a copy of said Memorandum of Understanding shall be held in the Office of the Township Clerk and is hereby approved.

The following Resolution #2012-143 (Allocating Money from Municipal Affordable Housing Trust Fund to Special Needs Housing) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-143

ALLOCATING MONEY FROM MUNICIPAL AFFORDABLE HOUSING TRUST FUND TO THE SPECIAL NEEDS HOUSING PARTNERSHIP

WHEREAS, the Municipal Council of the Township of Marlboro has approval to establish and administer an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, the Township of Marlboro, Monmouth County, wishes to participate in the Special Needs Housing Partnership established through the Department of Community Affairs and the New Jersey Housing Mortgage and Finance Agency (HMFA); and

WHEREAS, affordable housing trust fund monies may be allocated for affordable supportive housing with the Township of Marlboro; and

WHEREAS, by allocating \$1,750,000.00 to the Special Needs Housing Partnership from its Affordable Housing Trust Fund, the Township of Marlboro, Monmouth County, will provide the funding for the acquisition and rehabilitation of special needs housing within its borders.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that it hereby allocates \$1,750,000.00 for use by the Special Needs Housing Partnership.

The following Resolution #2012-144 (Award of Contract Appraisal Services for Defense of Tax Appeals (Fair & Open - Gagliano & Company) was introduced by reference, offered by Council President Cantor, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-144

A RESOLUTION AUTHORIZING THE EXECUTION OF  
A PROFESSIONAL SERVICES CONTRACT BETWEEN  
GAGLIANO & COMPANY AND THE TOWNSHIP OF  
MARLBORO FOR APPRAISAL SERVICES

WHEREAS, the Township requires real estate appraisal services in connection with the defense of tax appeals, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 29, 2011 (the "Proposal") from GAGLIANO & COMPANY (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered

by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

WHEREAS, it has been determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available and certified for this purpose upon adoption of the 2012 budget in account # 2-01- - 045-288; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to GAGLIANO & COMPANY pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 29, 2011, a copy of which is attached hereto, in an amount not to exceed \$20,500.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. GAGLIANO & COMPANY
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-145 (Award of Contract Appraisal Services for Preservation of Farmland and Open Space (Fair & Open - Sterling, Disanto & Associates) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-145

A RESOLUTION AUTHORIZING THE EXECUTION OF  
A PROFESSIONAL SERVICES CONTRACT STERLING,  
DISANTO & ASSOCIATES AND THE TOWNSHIP OF MARLBORO  
FOR APPRAISAL SERVICES IN SUPPORT OF THE  
PRESERVATION OF FARMLAND AND OPEN SPACE

WHEREAS, the Township requires real estate appraisal services in connection with the acquisition of certain parcels, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated December 8, 2011 (the "Proposal") from STERLING, DISANTO & ASSOCIATES (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds are available for this purpose in account # C-04-11-004-900; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to STERLING, DISANTO & ASSOCIATES pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated December 8, 2011, a copy of which is attached hereto, in an amount not to exceed \$10,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Sterling, Disanto & Associates
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-146 (Award of Contract Appraisal Services for Preservation of Farmland and Open Space (Fair & Open - Bettina Durmaskin Sholk) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-146

A RESOLUTION AUTHORIZING THE EXECUTION OF  
A PROFESSIONAL SERVICES CONTRACT BETWEEN BETTINA  
DURMASKIN SHOLK AND THE TOWNSHIP OF MARLBORO  
FOR APPRAISAL SERVICES IN SUPPORT OF THE  
PRESERVATION OF FARMLAND AND OPEN SPACE

WHEREAS, the Township requires real estate appraisal services in connection with the acquisition of certain parcels, such services to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated November 27, 2011 (the "Proposal") from BETTINA DURMASKIN SHOLK (the "Business Entity") in response to a Request for Qualifications for appraisal services issued by the Township which sets forth the terms and conditions under which such services are to be rendered by the Business Entity under a contract to be awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.4; and

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

WHEREAS, funds are available for this purpose in account # C-04-11-004-900; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township

Code Chapter 18, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 will be made during the term of the Business Entity's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves the award of a Professional Services Contract to BETTINA DURMASKIN SHOLK pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation at the rates set forth in a proposal dated November 27, 2011, a copy of which is attached hereto, in an amount not to exceed \$10,000.00; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

5. That notice of the award of this contract shall be published in accordance with law.

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

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Bettina Durmaskin Sholk
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-147 (Award of Bid Synthetic Multipurpose Field) was introduced by reference, offered by Councilman LaRocca and seconded by Council Vice President

Metzger. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-147

A RESOLUTION AWARDING CONTRACT TO PRECISE CONSTRUCTION, INC.  
FOR H&L SYNTHETIC TURF FIELD IMPROVEMENTS FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for H&L SYNTHETIC TURF FIELD IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION, and on February 22, 2012, received eight (8) bids therefor; and

WHEREAS, the eight (8) bids received were as follows:

Company		Base	Base + Add
Precise Construction, Inc	Freehold, NJ	797,680.00	885,905.00
Applied Landscape Technologies	Montville, NJ	815,538.00	912,938.00
The LandTek Group, Inc	Amityville, NY	823,460.00	937,740.00
Atlantic Lining Co., Inc	Jobstown, NJ	845,055.00	944,089.00
Down to Earth Landscaping	Jackson, NJ	899,405.00	973,715.00
James R. Ientile, Inc	Marlboro, NJ	969,000.00	1,059,000.00
Lucas Construction Group, Inc	Morganville, NJ	997,770.00	1,074,370.00
Gallen Contracting, Inc	Hackensack, NJ	1,043,412.60	1,140,117.00

WHEREAS, it has been determined that the submission of the apparent low bidder, Precise Construction, Inc is responsive as detailed in a March 28, 2012 memo from the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township 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 Precise Construction, Inc whose address is 1016 Highway 33, Freehold, NJ 07728 for H&L SYNTHETIC TURF FIELD IMPROVEMENTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF RECREATION, for a contract amount at the unit prices specified in the bid proposal not to exceed \$797,680.00; and

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

BE IT FURTHER RESOLVED funds in the amount of \$797,680.00 have been certified by the Chief Financial Officer in accounts G-07-41-306-399 and C-04-11-004-801.

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

- a. Precise Construction, Inc
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Acting Director of Recreation
- e. Township Engineer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-148 (Authorizing Final Payment and Closeout - Change Order Taylor Road Emergency Storm Drainage Improvements) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-148

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO  
THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO  
AND LUCAS CONSTRUCTION GROUP, INC. AND AUTHORIZING  
FINAL PAYMENT AND ACCEPTANCE OF EMERGENCY  
DRAINAGE IMPROVEMENT AT TAYLOR ROAD

WHEREAS, by Resolution #2011-398 the Township of Marlboro authorized the award of An emergency contract to Lucas Construction Group, Inc. for the Emergency Repairs and Improvements at the Site of a Township Storm Drain System on Taylor Road(the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in an increase in the original contract amount of \$79,500.00 to \$82,800.00, a net increase of \$3,300.00; and

WHEREAS, in Letter dated April 3, 2012, the Township Engineer has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$7,340.00; and

WHEREAS, pursuant to the terms of the contract, Lucas Construction Group, Inc. is required to provided a one-year

maintenance bond in an amount equal to 15% of the final contract amount or \$12,420.00; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Township Engineer's April 3, 2012 letter and is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to Lucas Construction Group, Inc. in the amount of \$7,340.00 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with Lucas Construction Group, Inc. be and is hereby approved, increasing the original contract total of \$79,500.00 to \$82,800.00, a net increase of \$3,300.00, subject to posting of a one-year maintenance bond in an amount equal to 15% of the final contract amount or \$12,420.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$7,340.00 for work completed by Lucas Construction Group, Inc. is hereby approved.

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

- a. Lucas Construction Group, 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 #2012-149 (Authorizing LSRP Services for DiMeo Site - Birdsall) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-149

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH BLOCK 159 LOT 1.01 (DIMEO PROPERTY) LOCATED AT 133 CONOVER ROAD

WHEREAS, by Resolution 2007-329, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for a remedial investigation of the DIMEO PROPERTY located at 133 Conover Road in Marlboro, Block 159, LOT 1.01; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is requiring that the Township address certain outstanding administrative deficiencies associated with letters received on May 23, 2011 and June 9, 2011 through the appointment of a Licensed Site Remediation Professional (LSRP); and

WHEREAS, the Township has confirmed that Farmland Preservation funding through the State Agricultural Development Committee (SADC) and Monmouth County has been reserved at the staff level for this parcel on the condition that the required remediation work is completed in accordance with the agreed upon timetable; and

WHEREAS, Birdsall Services Group has provided a proposal dated April 5, 2012 (the "Proposal") for such Professional Services in connection with the Project; and

WHEREAS, the Township of Marlboro and Birdsall Services Group have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$60,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Accounts # C-04-02-027-000 and C-04-11-004-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Birdsall Services Group to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the

Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Services Group has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between Birdsall Services Group and the Township of Marlboro, to expand the scope of services to include THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION BLOCK 159 LOT 1.01 (DIMEO PROPERTY) LOCATED AT 133 CONOVER ROAD ("Professional Services"), at a fee not to exceed \$60,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated April 5, 2012, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$60,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ 07724
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-150 (Authorizing LSRP Services for Municipal Complex Site - Birdsall) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-150

A RESOLUTION AUTHORIZING AN AMENDMENT TO A  
PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL  
SERVICES GROUP AND THE TOWNSHIP OF MARLBORO FOR  
THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES  
IN CONNECTION WITH BLOCK 253, LOT 36.02  
(MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE

WHEREAS, by Resolution 2008-134, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for the provision of environmental engineering services in connection with remediation work AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO located at 1979 Township Drive, Block 253, Lot 36.02 (AOC #10); and

WHEREAS, by Resolution 2008-231, the Township of Marlboro authorized a contract with Enterprise Network Resolutions (ENR) Contracting LLC for the SITE REMEDIATION PROJECT AT THE MARLBORO MUNICIPAL COMPLEX located at 1979 Township Drive in Marlboro, Block 253, Lot 36.02; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) required that the Township address any outstanding deficiencies associated with the Notices dated May 20 and June 2, 2011; and

WHEREAS, by Resolution 2011-417, the Township of Marlboro authorized a Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$13,850.00 (AOC #10); and

WHEREAS, in letters dated December 13, 2011 and December 29, 2011, the New Jersey Department of Environmental Protection (NJDEP) required that the Township address must address outstanding administrative deficiencies concerning through the appointment of a Licensed Site Remediation Professional (LSRP); and

WHEREAS, by Resolution 2012-049, the Township of Marlboro authorized an amendment to the Professional Services agreement with Birdsall Services Group for environmental engineering services in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE not to exceed \$8,000.00 (AOC #10); and

WHEREAS, in a letter received on January 17, 2012, the New Jersey Department of Environmental Protection (NJDEP) identified seven (7) open areas of concern in connection with BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE that must be addressed by the Township's Licensed Site Remediation Professional (LSRP) ("Project") and

WHEREAS, Birdsall Services Group has provided a proposal dated April 5, 2012 (the "Proposal") for such Professional Services in connection with the Project (AOC #8-9, 11-14); and

WHEREAS, the Township of Marlboro and Birdsall Services Group have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project in an amount not to exceed \$17,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Capital Account #C-04-11-004-801; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Birdsall Services Group to provide the required additional Professional Services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be

published in a newspaper of general circulation in the municipality; and

WHEREAS, Birdsall has previously completed and submitted a Business Entity Disclosure Certificate certifying that Birdsall Services Group has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between Birdsall Services Group and the Township of Marlboro, to expand the scope of services to include THE PROVISION OF ENVIRONMENTAL ENGINEERING SERVICES IN CONNECTION WITH BLOCK 253, LOT 36.02 (MUNICIPAL COMPLEX) LOCATED AT 1979 TOWNSHIP DRIVE ("Professional Services"), at a fee not to exceed \$17,000.00 for such Professional Services, as further described and set forth in Birdsall's Proposal dated April 5, 2012, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$17,000.00 for such additional Professional Services for the Project as described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Services Group, 611 Industrial Way West, Eatontown, NJ 07724
- b. Mayor Jonathan L. Hornik
- c. Township Administrator
- d. Township Chief Financial Officer

e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2012-151 (Authorizing Release of Bond Triangle Ridge Phase I) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-151

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR THE SITE KNOWN AS TRIANGLE RIDGE -  
PHASE 1, BLOCK 332, LOTS 12 & 12.01,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Triangle Ridge at Marlboro, LLC 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 "Triangle Ridge - Phase 1" (the "Site"), property known as Block 332, Lots 12 & 12.01, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Meiterman Custom Built Homes, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 23, 2012, 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. 0276294 issued by International Fidelity Insurance Company in the amount of \$209,307.08 and cash deposit in the amount of \$25,000.00 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 \$29,288.38; 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. 0276294 issued by International Fidelity Insurance Company in the amount of \$209,307.08 and cash deposit in the amount of \$25,000.00 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 \$29,288.38; and

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

- a. Triangle Ridge at Marlboro, LLC
- b. International Fidelity Insurance Company
- 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 #2012-152 (Authorizing Release of Bond Triangle Ridge Phase II) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-152

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR THE SITE KNOWN AS TRIANGLE RIDGE -  
PHASE 2, BLOCK 331, LOTS 54,  
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 Triangle Ridge at Marlboro, LLC 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 "Triangle Ridge - Phase 2" (the "Site"), property known as Block 331, Lot 54, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Meiterman Custom Built Homes, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 23, 2012, 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. 0283154 issued by International Fidelity Insurance Company in the amount of \$118,100.38 and cash deposit in the amount of \$13,122.26

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 \$16,402.83; 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. 0283154 issued by International Fidelity Insurance Company in the amount of \$118,100.38 and cash deposit in the amount of \$13,122.26 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 \$16,402.83; and

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

- a. Triangle Ridge at Marlboro, LLC
- b. International Fidelity Insurance Company
- 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 #2012-153 (Authorizing Release of Bond Triangle Ridge Phase III) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilwoman Marder, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-153

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEES FOR THE SITE KNOWN AS TRIANGLE RIDGE -  
PHASE 3, BLOCK 331, LOTS 54 & 62,  
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 Triangle Ridge at Marlboro, LLC 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 "Triangle Ridge - Phase 3" (the "Site"), property known as Block 331, Lots 54 & 62, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Meiterman Custom Built Homes, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated March 23, 2012, 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. 0283153 issued by International Fidelity Insurance Company in the amount of \$536,621.17 and cash deposit in the amount of \$59,624.57 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 \$74,530.71; 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. 0283153 issued by International Fidelity Insurance Company in the amount of \$536,621.17 and cash deposit in the amount of \$59,624.57 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 \$74,530.71; and

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

- a. Triangle Ridge at Marlboro, LLC
- b. International Fidelity Insurance Company
- 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 #2012-154 (Change Order - Municipal Complex HVAC Project) was introduced by reference, offered by Councilwoman Mazzola, seconded by Council Vice President Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-154

A RESOLUTION AUTHORIZING ACCEPTANCE OF IMPROVEMENTS AND APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND AIRHANDLERS MECHANICAL SERVICES, INC. FOR MUNICIPAL COMPLEX HVAC UPGRADES UNDER THE UNITED STATES DEPARTMENT OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FOR THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, by Resolution #2011-291 the Township of Marlboro authorized the award of a contract to AIRHANDLERS MECHANICAL SERVICES, INC. for MUNICIPAL COMPLEX HVAC UPGRADES UNDER THE UNITED STATES DEPARTMENT OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG); and

WHEREAS, close out Change Order No. 1 has been requested resulting in an increase in the original contract amount of \$107,700.00 to \$124,740.00, a net increase of \$17,040.00; and

WHEREAS, in a Letter dated February 13, 2012, the Consulting Engineer has recommended approval of Change Order No. 1, as the Supplementary Work, in his opinion, could not have reasonably been effectuated by a separately bid contract without unduly disrupting the basic work, or without imposing adverse cost consequences on the Township; and

WHEREAS, in a Letter dated April 5, 2012, the Consulting Engineer has recommended approval of the Closeout Change Order No. 1, acceptance of the Project improvements, and issuance of final payment in the amount of \$124,740.00; and

WHEREAS, pursuant to the terms of the contract, the Performance Bond shall remain in effect for a period of one year after the final payment is made, and as such, a maintenance bond is not required; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Consulting Engineer's February 13 and April 5, 2012 letters and is amenable to approving Closeout Change Order

No. 1, accepting the Project improvements and issuing the final payment to AIRHANDLERS MECHANICAL SERVICES, INC. in the amount of \$124,740.00 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order No. 1 to the existing contract with AIRHANDLERS MECHANICAL SERVICES, INC., be and is hereby approved, increasing the contract total of \$107,700.00 to \$124,740.00, a net increase of \$17,040.00.

BE IT FURTHER RESOLVED that funds in the amount of \$17,040.00 have been certified by the Chief Financial Officer in accounts G-07-41-809-301 and C-04-10-016-933.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that the final payment in the amount of \$124,740.00 for work completed by AIRHANDLERS MECHANICAL SERVICES, INC. is hereby approved.

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

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

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 5 - 0 in favor: Res. #2012-155 (Authorizing Shared Services Agreement with Colts Neck - Marlboro Swim Club), Res. #2012-156 (Authorizing Agreement with the NJ Recreation and Parks Assoc for Community Service Summer Discount Program), Res. #2012-157 (Authorizing Purchase of Tickets for Marlboro Department of Recreation Fee-Based Programs), Res. #2012-158 (Authorizing Township Officials to secure proposals for financing the purchase of police vehicles), Res. #2012-159 (Resolution Opposing the Closing of the Marine Sciences Lab at Sandy Hook), Res. #2012-160 (Authorizing Discharge of a Mortgage and Mortgage Note - 687 Snowdrop Court), Res. #2012-161 (Award of Bid Leasing of Farming Rights - Dimeo Property), Res. #2012-162 (Award of Bid Leasing of Farming Rights - McCarron), Res. #2012-163 (Award of Bid Curbside Bulk Clean-up), Res. #2012-164 (Award of Bid Food

Concession Service for Swim Club), Res. #2012-165 (Award of Bid Coach busing for Recreation Travel Camp), Res. #2012-166 (Authorizing Contract Cody Computer for CAD/RMS Software Maintenance - Police Dept.), Res. #2012-167 (Authorizing Water Installment Agreement - Vasilevsky), Res. #2012-168 (Authorizing Water Installment Agreement - Shalom Torah), Res. #2012-169 (Tax Sale Charges), Res. #2012-170 (Redemption Tax Sale Certs - Various), Res. #2012-171 (Confirming Library Board Appointment - Dr. Jayesh G. Dalal - to fill unexpired term of Judith Freilich), Res. #2012-172 (MCIA Issuing of Refunding Bonds), Res. #2012-173 (Raffle License - Marlboro Middle School - On Premise Merchandise).

RESOLUTION # 2012-155

A RESOLUTION OF THE TOWNSHIP OF MARLBORO  
IN MONMOUTH COUNTY, NEW JERSEY AUTHORIZING  
A SHARED SERVICES AGREEMENT WITH THE  
TOWNSHIP DEPARTMENT OF COLTS NECK FOR  
USE OF THE MARLBORO SWIM CLUB

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and Township of Colts Neck ("Colts Neck") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, Marlboro desires to enter into an agreement with Colts Neck which will permit Colts Neck residents to join the Marlboro Swim Club; and

WHEREAS, representatives of Marlboro and Colts Neck have negotiated a Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2012-156

WHEREAS, the New Jersey Recreation & Parks Association (NJRPA) is a not-for-profit Professional organization which provides a variety of services to recreation organizations throughout the State of New Jersey; and

WHEREAS, the Township of Marlboro Department of Recreation is a member of the NJRPA; and

WHEREAS, the Department of Recreation utilizes the services of the NJRPA for its Camp and Teen Programs, and for professional recreation training; and

WHEREAS, the NJRPA sponsors a "Community Service Summer Discount Program" which enables the Department of Recreation to purchase tickets for a variety of events at a substantial discount; and

WHEREAS, the total value of the services to be provided for 2010 are estimated at and shall not exceed \$67,000.00 in the aggregate; and

WHEREAS, funds will be certified at the time participation counts are available and tickets are ordered from Accounts # 02-01- -145-212 and T-17-56-867-212.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to execute an agreement with the NJRPA, 13 April Lane, Somerset, NJ 08873-5301 for the services described above.

RESOLUTION # 2012-157

RESOLUTION AUTHORIZING THE PURCHASE OF TICKETS FOR  
MARLBORO DEPARTMENT OF RECREATION FEE-BASED PROGRAMS

WHEREAS, the Department of Recreation organizes numerous trips to a variety of destinations for program participants; and

WHEREAS, the trip destinations include theaters, indoor and outdoor amusement facilities, restaurants and parks; and

WHEREAS, program participants register for the trip and the Department of Recreation purchases tickets based upon the demand for a particular trip; and

WHEREAS, participants pay a fee to register for these programs; and

WHEREAS, the Department of Recreation estimates the trips and associated fees for the 2012 program year (ATTACHMENT A); and

WHEREAS, the funding for these trips is generated from user fees and will be available from Recreation Trust Account # T-17-56-867-212.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Department of Recreation to register program participants for various fee based programs as described above.

BE IT FURTHER RESOLVED, should schedule changes occur which do not result in an increased expenditure, the schedule changes may be adopted administratively.

RESOLUTION # 2012-158

RESOLUTION AUTHORIZING TOWNSHIP OFFICIALS TO SECURE PROPOSALS FOR FINANCING THE PURCHASE OF POLICE VEHICLES

WHEREAS, the Police Department has submitted its 2012 capital plan which includes a request for the replacement of police vehicles; and

WHEREAS, the Township has reviewed and finalized a request for six (6) vehicles; and

WHEREAS, the Township is desirous of obtaining these vehicles for the Police Department; and

WHEREAS, the estimated cost of the vehicles is \$140,000.00; and

WHEREAS, the Township wishes to continue its program of financing the purchase of police vehicles.

NOW, THEREFORE, BE IT RESOLVED THAT the Township Council of the Township of Marlboro hereby authorizes proposals to be secured for financing the purchase of six (6) police vehicles at an estimated cost of \$140,000.00.

RESOLUTION # 2012-159

RESOLUTION OPPOSING THE PROPOSED CLOSING OF THE  
MARINE SCIENCES LABORATORY AT SANDY HOOK

WHEREAS, The James J. Howard Marine Sciences Laboratory at Sandy Hook, known as Marine Labs, has been in operation since 1961; and

WHEREAS, Marine Labs was the first federal scientific laboratory in the United States devoted to researching marine recreational species, and now has an international reputation in the scientific community; and

WHEREAS, Marine Labs has been instrumental in successful efforts over the past several decades to clean up the ocean waters in a critical region extending from Long Island south to Cape May, including the New York Bight and coastal Monmouth County; and

WHEREAS, the current federal administration proposes to close Marine Labs and reassign its staff to other National Oceanic and Atmospheric Administration facilities located in other states; and

WHEREAS, the Township of Marlboro recognizes that Marine Labs is important to the intellectual, economic and oceanic health and well-being of the region, and believes that the proposed closure is detrimental and unnecessary; and

WHEREAS, the Township of Marlboro further recognizes that Marine Labs is important to the education of the region's students, including those from the Township of Marlboro and others attending the Marine Academy of Science and Technology, a premier Monmouth County high school whose campus neighbors Marine Labs and benefits from the facility and its scientist's expertise; and

WHEREAS, Marine Labs was recently rebuilt following a devastating fire, and subsequently improved at great expense to include multiple state of the art laboratories and a massive salt water aquarium;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Marlboro respectfully urges the

current administration to reconsider the proposed closure, saving it from the fate suffered by Fort Monmouth felt throughout the region, and to instead preserve the revered institution for the benefit of generations to come.

RESOLUTION # 2012-160

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING THE DISCHARGE OF AN AFFORDABLE HOUSING AGREEMENT AND A REPAYMENT MORTGAGE, BOTH BEING DATED SEPTEMBER 20, 2004, WHICH WERE FILED AGAINST A PROPERTY COMMONLY KNOWN AS 687 SNOWDROP COURT, MORGANVILLE, NEW JERSEY, WHICH AT THE TIME WAS OWNED BY JOSEPH CHRISTIANO BUT IS NOW OWNED BY SANDRA NOLL

WHEREAS, a residential unit commonly known as 687 Snowdrop Court, Morganville, New Jersey ("the Property"), is an affordable unit located in the Pointe De Jardin condominium complex and its affordability controls are governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, Joseph Christiano became the record owner of the Property by way of a purchase of same on or about September 10, 2004, for a stated consideration amount of \$95,900.00; and

WHEREAS, as part and parcel of the foregoing purchase Joseph Christiano executed an Affordable Housing Agreement and a Repayment Mortgage with the foregoing documents being signed on or about September 10, 2004, in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the Repayment Mortgage was subsequently recorded in the Monmouth County Clerk's Office on October 4, 2004, in Mortgage Book OR-8406, at Page 714 et seq.; and

WHEREAS, the Affordable Housing Agreement was subsequently recorded by the Monmouth County Clerk also on October 4, 2004, in Deed Book OR-8406, at Page 608 et seq.; and

WHEREAS, the Property was then sold/transferred to Sandra Noll (the current owner of the Property), by deed from Joseph Christiano, dated May 13, 2011, and recorded June 7, 2011, in Deed Book OR-8893, at Page 8578 et seq., for a stated consideration of \$116,589.00; and

WHEREAS, despite the sale and transfer of the Property from Joseph Christiano to Sandra Noll both the Affordable Housing

Agreement and the Repayment Mortgage executed by Joseph Christiano in 2004 still remain of record; and

WHEREAS, the foregoing Affordable Housing Agreement and the Repayment Mortgage from Joseph Christiano should have been discharged at the time of the deed transfer/sale to Sandra Noll; and

WHEREAS, Sandra Noll continues to own the Property yet the foregoing Affordable Housing Agreement and the Repayment Mortgage executed by Joseph Christiano on or about September 10, 2004, remain in effect; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release of the foregoing Affordable Housing Agreement and the Repayment Mortgage for the reasons sets forth herein and because of the change in ownership from Joseph Christiano to Sandra Noll;

WHEREAS, the Marlboro Township Council desires to maintain the affordability restrictions on each of its affordable units such as the unit here at 687 Snowdrop Court, Morganville, and understanding that the affordable restrictions will in fact remain in place under the current ownership as per the governing documents executed by Sandra Noll (the current owner of the unit) the Marlboro Township Council finds in favor of this application to release the prior owner's Affordable Housing Agreement and Repayment Mortgage;

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

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

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

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

RESOLUTION # 2012-161

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "DiMeo Property", which is located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on March 21, 2012, received one (1) bid therefor; and

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

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

WHEREAS, the Township Administration and the Director of Public Works desire that the Property should be farmed and recommend that this bid be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 as the lowest responsible bidder conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2012 harvesting season ending on December 31, 2012 for a lease payment to the Township of \$500.00, conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "DiMeo Property" located on Conover Road and designated as Block 159, Lot 1 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 through the Fall 2012 harvesting season ending on December 31,

2012, for a lease payment to the Township of \$500.00, conditioned upon the bidder's execution all documents provided in the bid specifications and provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the property known as the "DiMeo Property" (as more specifically described hereinabove) through the Fall 2012 harvesting season ending on December 31, 2012, for a lease payment to the Township of \$500.00; and

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

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

RESOLUTION # 2012-162

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

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the lease of farming rights for a one (1) year period on a parcel of land owned by the Township known as the "McCarron Property", which is located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") and on March 21, 2012, received one (1) bid therefor; and

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

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

WHEREAS, the Township Administration and the Director of Public Works desire that the Property

should be farmed and recommend that this bid be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 as the lowest responsible bidder conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a lease for farming rights on the Property to Matt Zeleznik through the Fall 2012 harvesting season ending on December 31, 2012 for a lease payment to the Township of \$500.00, conditioned upon the bidder executing all documents provided in the bid specifications and providing the Township with evidence of insurance acceptable to the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that farming rights on the property known as the "McCarron Property" located on Pleasant Valley Road and designated as Block 155, Lot 13.03 on the Official Tax Map of the Township of Marlboro, Monmouth County, New Jersey, be awarded to Matt Zeleznik, 14 Vanderburg Rd, Marlboro, NJ 07746 through the Fall 2012 harvesting season ending on December 31, 2012, for a lease payment to the Township of \$500.00, conditioned upon the bidder's execution all documents provided in the bid specifications and provision of evidence of insurance acceptable to the Township; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Matt Zeleznik for farming rights on the property known as the "McCarron Property" (as more specifically described hereinabove) through the Fall 2012 harvesting season ending on December 31, 2012, for a lease payment to the Township of \$500.00; and

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

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

RESOLUTION # 2012-163

A RESOLUTION AWARDING CONTRACT TO FREEHOLD CARTAGE  
INC FOR COMMUNITY SPRING BULK PICK-UP AND DISPOSAL  
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on March 22, 2012, received three (3) bids therefor; and

WHEREAS, the three (3) bids received were as follows:

Company	BASE BID (Transport Only)	ALTERNATE OPTION 1 (Transport and Disposal)
Waste Management, Ewing, NJ	149,000 - 2012 152,000 - 2013 155,000 - 2014	235,000 - 2012 238,000 - 2013 241,000 - 2014
Freehold Cartage, Inc, Freehold, NJ	No bid	199,500 - 2012 205,500 - 2013 208,500 - 2014
Future Sanitation, Inc. Farmingdale, NJ	159,000 - 2012 169,000 - 2013 169,000 - 2014	245,500 - 2012 255,500 - 2013 255,500 - 2014

WHEREAS, it has been determined that the submission of the apparent low bidder on Bid Alternate Option 1, FREEHOLD CARTAGE INC is responsive as detailed in an April 2, 2012 memo from the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended the award of Bid Alternate Option 1 to FREEHOLD CARTAGE INC; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FREEHOLD CARTAGE INC whose address is 825 Highway 33, Freehold, NJ 07728 for COMMUNITY SPRING BULK PICK-UP AND DISPOSAL FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to

exceed \$199,500.00 for a term of one year (2012), with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for two (2) additional one (1) year periods at the exclusive option of the Township; and

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

BE IT FURTHER RESOLVED funds in the amount of \$199,500.00 for the 2012 contract have been certified by the Chief Financial Officer in accounts 2-01- 117-233 and 2-01- -170-233.

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

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

RESOLUTION # 2012-164

A RESOLUTION AWARDING CONTRACT TO BIG MEAT BBQ  
LLC FOR SWIM CLUB FOOD CONCESSION SERVICES  
FOR THE MARLBORO SWIM CLUB

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for SWIM CLUB FOOD CONCESSION SERVICES FOR THE MARLBORO SWIM CLUB, and on April 5, 2012, received one (1) bid therefor; and

WHEREAS, the bid received was as follows:

Company	Big Meat BBQ LLC
1. Base Contract Rent, Electricity, Trash (50% - est)	12,800.00
2. Per Attendee (40,000 - est attendees)	\$.0475 per 1,900.00 attendee
Total	14,700.00

WHEREAS, it has been determined that the submission of BIG MEAT BBQ LLC is responsive as detailed in a April 9, 2012 memo from the Swim Club Manager; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Swim Club 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 BIG MEAT BBQ LLC whose address is 536 Scotland Rd, Union, NJ 07083 for SWIM CLUB FOOD CONCESSION SERVICES FOR THE MARLBORO SWIM CLUB, for a contract requiring payments to the Swim Club of \$8,000.00 rent, \$4,000.00 for electricity and an estimate of \$800.00 for garbage removal (50% of actual invoiced cost) plus .0475 cents per attendee in accordance with the bid proposal for a term of one year, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for two (2) additional one (1) year period at the exclusive option of the Township; and

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

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

- a. Big Meat BBQ LLC
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Marlboro Swim Club
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-165

A RESOLUTION AWARDING CONTRACTS TO VILLANI BUS COMPANY  
FOR COACH BUSING FOR RECREATION TRAVEL CAMP  
FOR THE MARLBORO DEPARTMENT OF RECREATION

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for COACH BUSING FOR RECREATION TRAVEL CAMP FOR THE DEPARTMENT OF RECREATION, and on March 20, 2012, received four (4) bids therefor; and

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

Company		Per Bus Bid
Villani Bus Company	Linden, NJ	31,184.00
Suburban Transit Corp	New Brunswick, NJ	33,232.00
Starr Transit	Trenton, NJ	31,715.00
Stout's Charter Service Inc	Trenton, NJ	43,934.00

WHEREAS, it has been determined that the submission of the apparent low bidder, VILLANI BUS COMPANY is responsive as detailed in a March 29, 2012 memo from the Acting Director of Recreation; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Acting Director of Recreation 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 VILLANI BUS COMPANY whose address is 811 East Linden Avenue, Linden, NJ 07036 for COACH BUSING FOR RECREATION TRAVEL CAMP FOR THE DEPARTMENT OF RECREATION, for a contract amount at prices specified in the bid proposal not to exceed \$174,883.00 for a term of one year, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) year period at the exclusive option of the Township.

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

BE IT FURTHER RESOLVED that funds in the amount of \$174,883.00 will be certified by the Chief Financial Officer in account # T-17-56-867-288 as trips and participation levels are finalized.

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

- a. Villani Bus Company
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Acting Director of Recreation
- e. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-166

A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT  
WITH CODY COMPUTER SERVICES, INC. FOR CAD/RMS  
SOFTWARE MAINTENANCE FOR THE CODY SYSTEM FOR  
THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, there exists a need for CAD/RMS Software Maintenance for the Marlboro Township Police Department Cody System; and

WHEREAS, under Local Public Contracts law, N.J.S.A. 40A:11-5(1)(dd) a municipality may enter into an agreement for a contract amount that exceeds the bid threshold without public advertising for bids and bidding therefor, by resolution of the municipality's governing body, if such services or goods are in connection with the support or maintenance of proprietary computer hardware and software; and

WHEREAS, the amount of the contract in question is capped at \$22,018.94, for a contract period of May 1, 2012 through April 30, 2013; and

WHEREAS, funds are available for this purpose and have been certified by the Chief Financial Officer in account #2-01- -312-281- in the amount of \$22,018.94; and

WHEREAS, the Local Public Contracts Law, N.J.S.A., 40A:11-1, et seq., as amended, requires that notice of the award of this contract be published once in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor and the Township Clerk are hereby authorized and directed to sign an agreement with CODY Computer Services, Inc., 1005 East High Street, Pottstown, PA 19464, for a flat fee not to exceed \$22,018.94 for CAD/RMS Software Maintenance for the Marlboro Township Police Department CODY SYSTEM for the contract period of May 1, 2012 through April 30, 2013; and

BE IT FURTHER RESOLVED, that this contract is awarded without public advertising for bids and bidding therefore as an "Exception" in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contract Law; and

BE IT FURTHER RESOLVED, that a Determination of Value shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

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

- a. CODY Computer Services, Inc.
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. Marlboro Township Police Chief
- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-167

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, ELENA VASILEVSKY, the owner of 190 Nathan Drive, which is designated as Block 178, Lot 290, Qualifier C0190, 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 F07482 and Account ID Number 60507; and

WHEREAS, Customer has a delinquent Account balance of \$945.98 exclusive of accrued interest), which is attributable to water service for the quarterly period ended February 29, 2012, and which was due for payment by March 31, 2012; 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 \$945.98 (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. Elena Vasilevsky (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2012-168

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, SHALOM TORAH CENTERS, the owners of 70 Amboy Road, which is designated as Block 172, Lot 39 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 D08028 and Account ID Number 36430; and

WHEREAS, Customer has a delinquent Account balance of \$9,021.30, which is attributable to water service for the quarterly bills commencing as of January 5, 2010 through January 5, 2012; 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 \$9,021.30, 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. Shalom Torah Centers (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2012-169

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 18th, 2012; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Kelly A. Hahn, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

RESOLUTION # 2012-170

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$227,295.28 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 \$227,295.28 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>
10-105 11 Lindsay Dr.	290/7	US Bank CUST for CCTS Capital, LLC 2 Liberty 50S 16 <sup>th</sup> St Suite 1950 Philadelphia, PA 19102 Assessed Owners: Mayling Jose & Paul H. Kamras	\$771.28
11-95 492 Tivoli Ct.	176/7 C0492	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owner: Artur Tsaturyan & S. Mushkarova	1,195.06
11-98 253 Colby Pl.	178/2 C0253	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owner: John Rullo	1,720.73
11-104 35 Stony Hill Dr.	192/4	Changsheng Lu 4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owner: Dafna Greenstein	1,519.82
11-79 87 Peasley Dr.	378/33	Ace Plus, LLC 1416 Ave. L Brooklyn, NY 11230 Assessed Owners: C.V. Falcone & C. Sr. & Lucy	12,252.75
10-108 294 Plum Dr.	396/1 C0294	US Bank cust for CCTS Capital LLC 2 Liberty, 50 So. 16 <sup>th</sup> St., Ste. 1950 Philadelphia, PA 19102	19,041.86

		Assesed Owner: HIB Orchards, LLC	
11-110	407/26	Changsheng Lu	1,295.09
6 Swan Ct.		4235 Coral Berry Path Apt. 204 Gurnee, IL 60031 Assessed Owner: Stephen Botnick	
10-130	178/290/C0178	Royal Tax Lien	35,084.25
178 Nathan Drive		Services, LLC 179 Washington Ln Jenkintown, PA 19046 Assessed Owner: Honig, Mary Ann	
10-162	300/89	Vasyl or Maria	11,296.07
46 Church Road		449 Mountain Ave Berkeley Heights, NJ 07922 Assessed Owners: Booter, Raees & Nabeela Kausar	
10-127	158/17	Royal Tax Lien	68,804.40
219 Peacock Lane		Services, LLC 179 Washington Ln Jenkintown, PA 19046 Assessed Owner: Capital Holdings, LLC	
11-68	147/32.18	Alvero Acquisition Corp	60,379.12
20 Ellis Court		1 Executive Blvd Yonkers, NY 10701 Assessed Owners: Marra, Gaetano & Marra, Richard	
11-26	300/41	C&E Partners, LLC	13,934.85
34 Duncan Drive		P.O. Box 23-1308 New York, NY 10023 Assessed Owners: Mc Ewan, John & Norma	

RESOLUTION # 2012-171

A RESOLUTION CONFIRMING THE APPOINTMENT OF  
DR. JAYESH G. DALAL TO THE BOARD OF  
TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, Section 4-93 of the Marlboro Township Code establishes the Marlboro Township Free Public Library and its Board of Trustees; and

WHEREAS, said Board of Trustees shall consist of the Mayor, the Superintendent of Schools and five (5) citizens to be appointed by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the Mayor has appointed Dr. Jayesh G. Dalal to the Board of Trustees for the Marlboro Township Free Public Library to fill the unexpired term of Judith Freilich, ending August 11, 2015; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of Dr. Jayesh G. Dalal to the Marlboro Township Free Public Library Board of Trustees for a term ending August 11, 2015.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of Dr. Jayesh G. Dalal as a member of the Marlboro Township Free Public Library Board of Trustees for term ending August 11, 2015 be and is hereby confirmed; and

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

- a. Dr. Jayesh G. Dalal
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2012-172

RESOLUTION OF THE TOWNSHIP OF MARLBORO PROVIDING FOR THE ISSUANCE OF REFUNDING BONDS FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE TOWNSHIP IN CONNECTION WITH THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S GOVERNMENT POOLED LOAN PROGRAM; PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID REFUNDING BONDS; PROVIDING FOR THE SALE OF THE REFUNDING BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY; AND APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWNSHIP OF A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT

WHEREAS, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") authorizes the issuance by the Township of Marlboro, in the

County of Monmouth, State of New Jersey (the "Township"), of bonds for the purpose of refunding outstanding bonds of the Township; and

WHEREAS, the Township has previously issued several series of bonds in connection with the Township's participation in various pooled loan programs sponsored by The Monmouth County Improvement Authority (the "Authority");

WHEREAS, at the request of the Authority and in accordance with the Local Bond Law, the Township Council did, on October 21, 2010, finally adopt Ordinance No. 2010-26 (the "Refunding Ordinance") authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$8,790,000 for the purpose of refunding all or a part of (i) \$518,000 of the Township's Bonds dated December 1, 1997, maturing on December 1 in the year 2011 (the "1997 Bonds"); (ii) \$3,183,000 of the Township's Bonds dated December 1, 2001, maturing on December 1 in the years 2012 through 2016 (the "2001 Bonds"); (iii) \$2,282,000 of the Township's Bonds dated December 1, 2002, maturing on December 1 in the years 2013 through 2018, inclusive (the "2002 Bonds"); and (iv) \$1,277,000 of the Township's Bonds dated December 18, 2003, maturing on December 1 in the years 2014 through 2018 (the "2003 Bonds"), to provide debt service savings for the Township; and

WHEREAS, pursuant to the Local Bond Law, the Township sought and obtained approval on October 13, 2010 and March 14, 2012, respectively, from the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (the "Local Finance Board") to the adoption by the Township Council of the Refunding Ordinance and the issuance of obligations thereunder; and

WHEREAS, on March 30, 2011, the Township issued \$5,597,000 of its General Obligation Refunding Bonds, Series 2011 (the "2011 Bonds"), pursuant to the Refunding Ordinance and a resolution adopted by the Township Council of the Township on March 3, 2011, for the purpose of providing funds to refund the Township's 2001 Bonds and the Township's 2002 Bonds; and

WHEREAS, the Authority has advised the Township that it plans to distribute a Preliminary Official Statement pertaining to the issuance by the Authority of its County Guaranteed Governmental Pooled Loan Refunding Bonds, Series 2012A (the "Authority's Bonds"), to be issued pursuant to a bond resolution of the Authority adopted on March 15, 2012 (said bond resolution, together with any amendments and supplements thereto, is referred to herein as the "Authority's Bond Resolution"), and that the proceeds of the Authority's Bonds will be applied to the refunding, depending on the market conditions at the time of the

sale of the Authority's Bonds, of all or a portion of the Township's 2003 Bonds; and

WHEREAS, on March 14, 2012, the Local Finance Board adopted a resolution contemplating the issuance of not to exceed \$1,475,000 of the Township's refunding bonds to refund the Township's 2003 Bonds in connection with the issuance by the Authority of the Authority's Bonds; and

WHEREAS, in accordance with the Local Bond Law, the Township desires to (i) authorize and approve the issuance of refunding bonds (the "Bonds" or the "Refunding Bonds") in the aggregate principal amount not to exceed \$1,475,000, to be issued for the purpose of refunding all or a portion of the Township's 2003 Bonds, depending on the market conditions at the time of the sale of the Authority's Bonds; and (ii) to provide for the form of the Refunding Bonds and the sale of the Refunding Bonds to the Authority; and

WHEREAS, in connection with the sale and issuance of the Refunding Bonds, the Township also desires to approve and authorize the forms and the entering into of a Bond Purchase Agreement with the Authority (the "Bond Purchase Agreement"), pursuant to which the Authority will agree to purchase the Refunding Bonds upon satisfaction of the conditions precedent set forth therein and with such terms for the Refunding Bonds as shall be set forth therein, and, if required by the Authority, a Continuing Disclosure Agreement by and between the Township and US Bank National Association, as trustee for the Authority's Bonds (the "Continuing Disclosure Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

*Section 1.* The Township hereby authorizes the issuance and sale of the Refunding Bonds of the Township in the aggregate principal amount not to exceed \$1,475,000. The proceeds of the Refunding Bonds shall be applied for the purpose of refunding all or a portion of the 2003 Bonds and paying the costs of issuing the Refunding Bonds.

*Section 2.* The Refunding Bonds shall be issued as a single series designated as "General Obligation Refunding Bonds, Series 2012". The Refunding Bonds shall be in the form, shall be dated, shall be issued in the denomination, and shall be issued as a fully registered bond as provided in the Bond Purchase Agreement. The Refunding Bonds shall mature in the years and in the principal amounts and shall bear interest at the rate or rates and shall be payable on the dates as shall be determined by the

Mayor or the Chief Financial Officer of the Township within the limitations hereinafter provided and as shall be provided in the Bond Purchase Agreement.

The Council hereby delegates to each of the Mayor and the Chief Financial Officer of the Township the power and authority to determine which of the 2003 Bonds shall be refunded and to sell and award the Refunding Bonds in accordance with this Resolution and the prior approval of the Local Finance Board and in accordance with the following parameters: the Refunding Bonds shall be issued in a maximum aggregate principal amount not to exceed \$1,475,000 to refund the 2003 Bonds; the Refunding Bonds shall mature substantially as set forth in the application submitted to and approved by the Local Finance Board; the Refunding Bonds shall bear interest at the rate or rates not to exceed the maximum interest rate set forth in the application submitted to and approved by the Local Finance Board; and the present value savings to be achieved by the Township in connection with the issuance of the Refunding Bonds to refund the refunded bonds shall not be less than 3% of the principal amount of the refunded bonds, or such lesser percentage of the principal amount of the refunded bonds approved by the Local Finance Board, with such savings to be achieved, as far as practicable, as set forth in the application submitted to and approved by the Local Finance Board. The Chief Financial Officer of the Township is hereby authorized to execute an award certificate certifying and determining the principal amount, interest rate or rates and maturity schedule for the Refunding Bonds, and the Chief Financial Officer of the Township is further hereby directed to report in writing to the Township Council at their first meeting after the sale of the Refunding Bonds as to the principal amount, interest rate or rates and maturity schedule for the Refunding Bonds sold, the price obtained and the present value savings in connection with the refunding.

The Refunding Bonds shall be in substantially the form thereof attached as an exhibit to the form of the Bond Purchase Agreement attached hereto and approved herein, with such omissions, insertions and variations as are properly required.

*Section 3.* The Refunding Bonds shall be executed by the Mayor and the Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon, and attested by the manual signature of the Township Clerk.

*Section 4.* Pursuant to N.J.S.A. 40A:2-27(a)(2), the execution, delivery and performance by the Township of the Bond Purchase Agreement by and between the Township and the Authority relating to the sale of the Bonds, in substantially the form attached hereto as Exhibit A, is hereby authorized and approved.

The Mayor, the Chief Financial Officer and the Administrator (each an "Authorized Officer") of the Township are each hereby authorized to execute the Bond Purchase Agreement on behalf of the Township with such insertions, revisions and changes therein as shall be approved by the Authorized Officer executing the same in consultation with the Township's Bond Counsel, such approval to be conclusively evidenced by the execution thereof.

*Section 5.* If required by the Authority in connection with the issuance of the Authority's Bonds, the execution, delivery and performance by the Township of the Continuing Disclosure Agreement in substantially the form attached as an exhibit to the form of the Bond Purchase Agreement attached hereto and approved herein is hereby authorized and approved, and the Chief Financial Officer or any other Authorized Officer is hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement on behalf of the Township in substantially such form, with such insertions, revisions and changes therein as shall be approved by the Authorized Officer in consultation with the Township's Bond Counsel, such approval to be conclusively evidenced by the execution thereof.

*Section 6.* In order to maintain the exclusion from gross income for federal income tax purposes of interest on the Refunding Bonds under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and for no other purpose, the Township covenants to comply with each applicable requirement of the Code applicable to said Refunding Bonds, and the Township covenants not to take any action or fail to take any action which would cause the interest on said Refunding Bonds to lose the exclusion from gross income for federal income taxation purposes under Section 103 of the Code.

The Township covenants and agrees with the holders of the Refunding Bonds that the Township shall not take any action or omit to take any action which would cause the Refunding Bonds to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141(a) or 148, respectively, of the Code, or any successor provision.

The Township covenants that it will take no action which would cause the Refunding Bonds to be federally guaranteed (within the meaning of Section 149(b) of the Code).

*Section 7.* The Mayor, the Chief Financial Officer, the Administrator and the Clerk of the Township are hereby designated, authorized and directed to perform any action or to determine any other matters or details relating to the Refunding Bonds, as may be required hereunder or under the Authority's Bond Resolution, and to do or perform or cause to be done or performed any and all acts as such officers or Bond Counsel may deem

necessary or appropriate in order to effect the proper issuance, execution and delivery of the Refunding Bonds, and to execute, among other things, a tax and arbitrage certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, covenants that it will do and perform all acts and things necessary or desirable for the purpose of monitoring compliance to assure that interest paid on the Refunding Bonds is excludable from gross income under the Code, an IRS Form 8038-G pertaining to the Refunding Bonds, if required, and any and all instruments, opinions, affidavits, certificates, resolutions, documents or other papers as may be deemed necessary or desirable.

*Section 9.* This resolution shall take effect upon the adoption hereof.

RESOLUTION # 2012-173

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 11-2012 (Marlboro Middle School - On Premise Merchandise) be and it is hereby granted to Marlboro Middle School Parent Teacher Organization (MMS-PTO).

BE IT FURTHER RESOLVED that said Raffle will be held on May 23, 2012 at 5 PM - 7 PM, at Marlboro Middle School, 355 County Road 520, Marlboro, NJ 07746.

The following Resolution #2012-174 (Calling for Extension for Affordable Housing Trust Funds to be Committed) was introduced by reference, offered by Council Vice President Metzger, seconded by Councilman LaRooca, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-174

RESOLUTION CALLING FOR AN EXTENSION FOR AFFORDABLE HOUSING TRUST FUNDS TO BE COMMITTED

WHEREAS, P.L. 2008, c. 46 established a four year timetable for municipal housing trust dollars to be "committed for expenditure," or potentially be subject to action by the Council on Affordable Housing (COAH) to transfer unspent funds to the State; and

WHEREAS, the 2008 Act did not define the term "committed for expenditure" and deferred to COAH to promulgate regulations as to the requirements to be met for "committed" as well as a timetable for expenditures; and

WHEREAS, neither COAH nor the Department of Community Affairs has adopted, nor proposed, the regulations pursuant PL 2008, c. 46; and

WHEREAS, at the time of 2008 Act, COAH was prepared to adopt its "3<sup>rd</sup> round regulations" establishing municipal obligations under the "Fair Housing Act"; and

WHEREAS, COAH's 3<sup>rd</sup> round regulations were highly controversial and fundamentally flawed, and subsequently set aside by the Appellate Division, and the appeal of that decision now awaits consideration by the State Supreme Court; and

WHEREAS, eight years of litigation over COAH's methodology has had a chilling effect not only on the development of affordable housing, but on the ability of local governments to commit trust fund dollars without knowledge of their respective obligations, and certainty that such commitment would count towards its housing obligation; and

WHEREAS, in 2008 the State Legislature passed the Permit Extension Act providing developers additional time because of the economic recession, an extension that was further granted in 2010, and a third extension is now under consideration by the Legislature; and

WHEREAS, many of the projects in which the permits have been extended include an affordable housing component, and no such extension to municipalities; and

WHEREAS, any action taken by COAH, to transfer trust fund dollars starting in July 2012 would be fundamentally unfair, inequitable and indefensible since neither COAH nor DCA has provided the required guidance or certainty; and

WHEREAS, these trust fund dollars should be used as intended: to subsidize the costs for municipalities in meeting their affordable housing obligations while assuring that these costs do not fall to local taxpayers; and

WHEREAS, forfeiture of these dollars, estimated by some to be as much as \$200 million, would displace this financial obligation to the taxpayers in these communities; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Marlboro urges the Christie Administration and the State Legislature to extend the July 2012 to "commit" municipal affordable housing trust fund dollars and for the State to provide the needed regulatory guidance contemplated in PL 2008 c. 46; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Hon. Joseph M. Kyrillos, Jr., the Hon. Amy H. Handlin and the Hon. Declan J. O'Scanlon, Jr., the New Jersey State League of Municipalities and the Office of the Governor.

NEW BUSINESS - None

At 9:00 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 3, 2012

OFFERED BY: Metzger AYES: 5

SECONDED BY: LaRocca NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT