

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 9, 2012

The Marlboro Township Council held its regularly scheduled meeting on August 9, 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 July 12, 2012 be approved. This was seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2012-279/Ordinance #2012-21 (Amend Chapter 220 - Billboards) 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 # 2012-279

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

ORDINANCE # 2012-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", SECTION 220-99(B)(14) "BILLBOARDS"

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 September 6, 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 # 2012-21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220, "LAND USE AND DEVELOPMENT", SECTION 220-99(B)(14) "BILLBOARDS"

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Chapter 220, Land Use And Development, Section 220-99 (B)(14) entitled "Billboards" subsection (b) entitled "Conditional Use" is hereby amended as follows:

[7] Billboards shall not be permitted on any lot where any other ground sign with an area of 60 square feet or greater, as measured by the actual sign message area, exclusive of any decorative trim band, has been constructed or approved on the subject lot or any adjacent lot. No Billboard sign shall block the roadway view of another sign located on the same property or in the same retail center.

[9] The distance allowed from any billboard to any other billboard shall not be less than 2,000 feet as measured in any and all directions, including, but not limited to, the northbound and southbound corridors of Route 9. The measurement of one billboard sign to another billboard sign (not less than 2000 feet) shall be measured from the outside of each sign.

[11] The sign face of the billboard shall not exceed 675 square feet. Every billboard shall be required to have no more than one message per side of each billboard sign and no more than two sides can be used for messages.

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

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

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

The following Resolution #2012-280/Ordinance #2012-22 (Amend Chapter 220 - Increasing Lot Coverage in R-40 zones) was introduced by reference, offered by Councilman LaRocca, seconded by Council Vice President Metzger and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-280

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

ORDINANCE # 2012-22

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND USE AND DEVELOPMENT ORDINANCE TO INCREASE THE PERMISSIBLE LOT COVERAGE IN THE VARIOUS R-40 ZONES TO TWENTY PER CENT BY AMENDING CHAPTER 220 ATTACHMENT 11 TABLE III ENTITLED "LOT AND BUILDING COVERAGE STANDARDS" AND SECTIONS 220-49(C), 220-52(B)(2) AND 220-53(C)(2) OF THE CODE OF 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 September 6, 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 # 2012-22

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND USE AND DEVELOPMENT ORDINANCE TO INCREASE THE PERMISSIBLE LOT COVERAGE IN THE VARIOUS R-40 ZONES TO TWENTY PER CENT BY AMENDING CHAPTER 220 ATTACHMENT 11 TABLE III ENTITLED "LOT AND BUILDING COVERAGE STANDARDS" AND SECTIONS 220-49(C), 220-52(B)(2) AND 220-53(C)(2) OF THE CODE OF THE TOWNSHIP OF MARLBORO

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220 Attachment 11 Table III entitled "Lot and Building Coverage Standards" of the Marlboro Township Code be and is hereby amended to increase the permissible lot coverage standards in the various R-40 zones as follows:

ZONE DISTRICT	TOTAL LOT COVERAGE (PERCENTAGE)
R-60/40	20%
R-40AH	20%
R-40 GAH	20%

BE IT FURTHER ORDAINED, that the following sections of the Code are hereby amended and supplemented to comply with the increased lot coverage standards as follows:

For the R60/40 Residential District:

Section 220-49(C): The area, yard and building requirements are as specified for this zone in the schedule of requirements in Section 220-34D of this chapter. Maximum percentage of lot coverage shall be Twenty (20%) per cent.

For the R-40AH Residential District:

Section 220-52(B)(2): Minimum lot dimension requirements shall be those of the R-60/40 Residential District as set forth in Section 220-34D, Table II, of this chapter. Maximum percentage of lot coverage shall be Twenty (20%) per cent.

For the R-40GAH Residential District:

Section 220-53(C)(2): Minimum lot dimension requirements shall be those of the R-60/30 Residential District as contained in Section 220-34D, Table II, of this chapter, except that the minimum lot frontage may be reduced to 100 feet where warranted. Maximum percentage of lot coverage shall be Twenty (20%) per cent.

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 #2012-281 (Acceptance of Audit 2011) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-281

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions

of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Resolution #2012-282 (Cash Bond Release Lynwood II/Bluffs B 176.06, L 1-14) 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 # 2012-282

RESOLUTION AUTHORIZING RELEASE OF A CASH MAINTENANCE  
GUARANTEE FOR THE SITE KNOWN AS LYNWOOD II/BLUFFS  
COURT SUBDIVISION, BLOCK 176.06, LOTS 1-14,  
TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for release of the Township held Maintenance Guarantee in the form of a cash deposit for site improvements ("Public Improvements") on the Site known as "Lynwood II/Bluffs Court subdivision" (the "Site"), property known as Block 176.06, Lots 1-14, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Deville Builders, L.L.C. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated July 9, 2012, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Maintenance Guarantee in the present amount of \$5,000.00 plus accrued interest which sum has been posted by the Developer as cash, and is being held by the Township, may be released in its entirety with no restrictions; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Maintenance 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 cash Maintenance Guarantee in the present amount of \$5,000.00 plus accrued interest posted in connection with site improvements for the Lynwood II/Bluffs Court subdivision, Block 176.06, Lots 1-14, Marlboro Township, New Jersey shall be released in its entirety; and

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

- a. DeVille Builders, L.L.C.
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

The following Resolution #2012-283 (Cash Bond Release Carolyn's Daycare B 132, L 8) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-283

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
GUARANTEE FOR THE PROPERTY KNOWN AS CAROLYN'S DAYCARE,  
BLOCK 132, LOT 8;450 ROUTE 79, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a cash deposit posted to guarantee the installation of site improvements on the property known as 450 ROUTE 79, Block 132, Lot 8, Morganville, New Jersey, (the "Site") posted by Carolyn Sousa, (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated May 3, 2012 regarding the completion of the Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a cash deposit in the original and present amount of \$1,000.00 plus accrued interest posted by the Developer and being held by the Township, be released in its entirety with no restrictions; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning 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 current Performance Guarantee for the Site (as defined and described hereinabove), a cash deposit in the original and present amount of \$1,000.00 plus accrued interest posted by the Developer (as defined and described hereinabove) and being held by the Township shall be released in its entirety, and

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

- a. Carolyn Sousa
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer

The following Resolution #2012-284 (Cash Bond Release Meiterman Property - B 177, L 33.01 and 33.01) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor, with Council President Cantor abstaining.

RESOLUTION # 2012-284

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE  
FOR THE PROPERTIES KNOWN AS, BLOCK 177, LOT 33.01-33.02  
78-80 ROUTE 520, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of a Township held Performance Guarantee in the form of a cash deposit posted to guarantee the installation of residential site improvements on the properties known as 78-80 ROUTE 520, Block 177, Lots 33.01-33.02, Morganville, New Jersey, (the "Site") posted by Meiterman Properties, Inc., (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated May 3, 2012 regarding the completion of the Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee, in the form of a cash deposit in the original and present amount of \$2,000.00 plus accrued interest posted by the

Developer and being held by the Township, be released in its entirety with no restrictions; and

WHEREAS, the Township Council now wishes to accept the recommendation of the Township Engineer concerning 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 current Performance Guarantee for the Site (as defined and described hereinabove), a cash deposit in the original and present amount of \$2,000.00 plus accrued interest posted by the Developer (as defined and described hereinabove) and being held by the Township shall be released in its entirety, and

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

- a. Meiterman Properties, Inc.
- b. Township Business Administrator
- c. Township Engineer
- d. Chief Financial Officer

Councilman LaRocca moved to table Res. #2012-285 (Consenting to Establishment of a Cemetery at 340 Spring Valley Road) as he requested additional information. Motion to table was seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor of tabling.

The following Resolution #2012-286 (Authorizing Expenditure of Monies and Endorsing Acquisition of Development Easement with Assistance of Monmouth County Agriculture Development Board - Baymar/Smith Farms/Harbor Road) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President Metzger. Discussion followed, during which Councilwoman Mazzola asked for clarification on funding and cost to the township. Business Administrator Jonathan Capp addressed her questions, after which the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2012-286

A RESOLUTION AUTHORIZING THE EXPENDITURE OF MONIES  
AND ENDORSING THE ACQUISITION OF A DEVELOPMENT  
EASEMENT WITH THE ASSISTANCE OF THE MONMOUTH  
COUNTY AGRICULTURE DEVELOPMENT BOARD BAYMAR  
("SMITH") FARM - BLOCK 171 LOT 52.02 - 38 HARBOR ROAD

WHEREAS, the Township Council of the Township of Marlboro desires to preserve and maintain farmland and open space within the Township of Marlboro; and

WHEREAS, in order to preserve and maintain such lands, the Township has the intention of acquiring a development easement ("Development Easements") pursuant to the Right to Farm Act and the Agriculture Retention and Development Act, that shall prevent commercial, residential or industrial development of such properties; and

WHEREAS, the majority of the funds to be used for the acquisition of the Development Easements shall be in the form of grants from the State Agriculture Development Committee ("SADC") and the Monmouth County Agriculture Development Board ("MCADB"), with Marlboro Township's expected share of the acquisition price to be between 16% and 20% for each easement; and

WHEREAS, in order to acquire a development easement, it shall be necessary for the Township to expend monies in excess of the cost of the acquisitions for necessary due diligence expenses before the acquisition can be funded by the SADC and the MCADB; and

WHEREAS, Baymar ("Smith") Farm, Block 171, Lot 52.02 located on 38 Harbor Road is included on the list of "Target Farms" in the Township's Comprehensive Farmland Preservation Plan dated August 2011; and

WHEREAS, the preservation of the Baymar Farm through the acquisition of a development easement has been endorsed by the Township Agricultural Development and Open Space Committees; and

WHEREAS, the Township Council of the Township of Marlboro deems the acquisition of development easements to preserve and maintain farmland and open space within the Township of Marlboro to be in the interests of the public health and welfare; and

WHEREAS, the Township Council of the Township of Marlboro desires to approve the expenditure of funds in excess of the cost of acquiring the development easement in order to complete necessary due diligence investigation(s) so that grant monies from the SADC and the MCADB may be obtained.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Marlboro Township Governing Body intends to acquire a development easement pursuant to the Right to Farm Act and the Agriculture Retention and Development Act in order to preserve and maintain farmland and open space within the Township of Marlboro, Monmouth County, New Jersey; and

BE IT FURTHER RESOLVED, that the expenditure of funds in excess of the cost of acquiring the Development Easements to complete necessary due diligence investigation(s) in order to obtain grant monies from the SADC and the MCADB be and is hereby approved and authorized, subject to the review and approval of the Marlboro Township Business Administrator; and

BE IT FURTHER RESOLVED, that such additional funds shall not exceed the bid threshold amount as set forth in the Local Public Contracts Law; and

BE IT FURTHER RESOLVED, that the tax revenues as generated by the Township expressly for the purpose of preserving farmland be made available to assist the County in the purchase of a development easement at the rate specified within the Monmouth County Agriculture Development Board's 'Procedures Governing the Funding of Easement Purchases' policy adopted August 7, 2002; and

BE IT FURTHER RESOLVED that certified copies of the Resolution be sent to the Monmouth County Agriculture Development Board office, the Monmouth County Board of Chosen Freeholders, and the Marlboro Township Planning Board.

Councilwoman Marder recused herself and left the room. Councilman LaRocca asked that Res. #2012-293 (Authorizing Contract Amendment Ethics Board Counsel) be removed from the consent agenda and considered separately. He asked for clarification on the process of approval to exceed the budgeted amount. After discussion between Mayor, Council, Business Administrator Jonathan Capp and Township Attorney Louis N. Rainone, Business Administrator Jonathan Capp was asked to request Ethics Board Chairman Michael Cali to come to the next Council meeting to address Council's concerns and to notify Affordable Housing Attorney Ken Biedzynski that the proposed Resolution would be placed on the September 6<sup>th</sup> agenda. Councilman LaRocca moved that the resolution be tabled, which was seconded by Councilwoman Mazzola and passed on a roll call for of 4 - 0 in favor of tabling (Absent: Marder).

As the consent agenda, the following Resolutions were 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: Res. #2012-287 (Award of Contract Road Materials), Res. #2012-288 (Award of Contract Rental Equipment & Operator Service), Res. #2012-289 (Rejection of Bids - 5/7 Cubic Yard Dump Truck), Res. #2012-290 (Award of Contract 2012 Road Improvement Program), Res. #2012-291 (Award of Contract Janitorial Services), Res. #2012-292 (Authorizing State Contract

Fund Services), Res. #2012-294 (Authorizing Federal Equitable Sharing Agreement), Res. #2012-295 (Confirming Emergency - Interim - Contract for Detention Basin Maintenance), Res. #2012-296 (Authorizing Drive Sober or Get Pulled Over Grant), Res. #2012-297 (Authorizing Reassignment of Maintenance Bond Centex Homes), Res. #2012-298 (Redemption Tax Sale Certificates - Various).

RESOLUTION # 2012-287

A RESOLUTION AWARDING CONTRACT TO TRAP ROCK INDUSTRIES, INC. FOR ROAD MATERIALS FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ROAD MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS, and on July 3, 2012, received two (2) bids therefor; and

WHEREAS, the two (2) bids received were as follows:

				Trap Rock Industries, Inc. PO Box 419 Kingston, NJ 08528		The Walter R. Earle Corp. PO Drawer 757 Farmingdale, NJ 07727	
		Estimat ed Quantit y		Unit Price	Estimated Total	Unit Price	Estimated Total
1	Surface Course (I-5)	3,700	ton s	63.45	234,765.00	80.00	296,000.00
2	Base Course (I-2)	300	ton s	60.95	18,285.00	79.00	23,700.00
	Total				253,050.00		319,700.00

WHEREAS, it has been determined that the submission of Trap Rock Industries, Inc. is responsive as detailed in an July 25, 2012 memo from the Director of Public Works; and

WHEREAS, it has been determined that Trap Rock Industries, Inc. is the apparent low bidder on items 1 and 2 as detailed in a July 25, 2012 memo from the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended award of contract to Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, in an amount not to exceed \$253,050.00; 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 Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, in an amount not to exceed \$253,050.00, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-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 Trap Rock Industries, 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 \$253,050.00 have been certified by the Chief Financial Officer in Capital Account C-04-12-008-955.

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

- a. Trap Rock Industries, Inc.
- b. Township Administration
- c. Township Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2012-288

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT  
TO LUCAS CONSTRUCTION GROUP, INC. FOR THE PROVISION  
OF RENTAL EQUIPMENT AND OPERATOR SERVICE FOR THE  
TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the receipt of bids for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works in connection with the 2012 Road Improvement Program and on July 24, 2012 received one (1) bid therefore; and

WHEREAS, the one (1) bid received was from Lucas Construction Group, as follows:

<b>Equipment</b>	<b>Daily Mobilization (\$)</b>	<b>Est Units</b>	<b>Weekly Rate</b>	<b>Daily Mobilization (\$)</b>	<b>Est Total</b>
Milling Machine	5,500	3	25,000	650	18,450
Paver	800		4,000	250	
Tandem Dump Truck	700		3,500	0	
Triaxle Dump Truck	800	60	4,000	0	48,000
Vibratory Roller	50		750	0	
					66,450

WHEREAS, the Department of Public Works has reviewed the bid received and recommended that the Contract be awarded to Lucas Construction Group, Inc. as the lowest bidder, 173 Amboy Road, Morganville, New Jersey 07751, for an amount not to exceed \$66,450.00: 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 Lucas Construction Group, Inc., 173 Amboy Road, Morganville, New Jersey 07751, in an amount not to exceed \$66,450.00 for a term of one year, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods 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 Lucas Construction Group, 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 \$66,450.00 have been certified by the Chief Financial Officer in Capital Account C-04-12-008-955.

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. Township Administration
- c. Department of Public Works
- d. Chief Financial Officer

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS  
FOR PROVISION OF ONE (1) NEW 5/7 CUBIC YARD DUMP  
TRUCK WITH RELATED EQUIPMENT FOR THE MARLBORO  
TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, on July 24, 2012, bids were opened for ONE (1) NEW  
5/7 CUBIC YARD DUMP TRUCK WITH RELATED EQUIPMENT; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(d) the contracting  
unit may reject all bids in order to:

- resolve discrepancies in bid specifications which result  
in a violation of the purposes or provisions of 40A:11-1  
et seq.
- substantially revise the specifications for the goods or  
services; and

WHEREAS, the bid specifications are inconsistent regarding  
the failure to list subcontractors; and

WHEREAS, the Township wishes to resolve discrepancies in the  
bid document which result in a violation of the purposes or  
provisions of 40A:11-1 et seq. and substantially revise the  
specifications for the goods or services, and as such, desires to  
reject all bids; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the  
Township Council of the Township of Marlboro, that all bids  
heretofore received for ONE (1) NEW 5/7 CUBIC YARD DUMP TRUCK  
WITH RELATED EQUIPMENT are hereby rejected pursuant to N.J.S.A.  
40A:11-13.2(d) and N.J.S.A. 40A:11-13.2(e).

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

RESOLUTION # 2012-290

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
TO JADS CONSTRUCTION FOR 2012 ROAD PROGRAM AND  
DRAINAGE IMPROVEMENTS FOR THE MARLBORO TOWNSHIP  
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2012  
capital program (060-1, 060-3, 060-6, 105-4, 122-7) authorized  
the road and drainage improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for 2012 Road Program and Drainage Improvements, and on July 31, 2012, received four (4) bids, as follows:

	JADS Construction Co.	Lucas Construction Group	James R. Ientile, Inc	Meco, Inc
Base	198,370.00	217,880.00	261,110.00	291,833.90
Option A	13,737.50	5,575.00	6,425.00	39,275.00
Option B	55,437.50	40,320.00	66,810.00	70,250.00
Total	267,545.00	263,775.00	334,345.00	401,358.90
Base + Option A	212,107.50	223,455.00	267,535.00	331,108.90

; and

WHEREAS, the bid was comprised of a base bid, add option A and add option B; and

WHEREAS, due to funding constraints, the Township is only in the position to award the base bid plus the first option, add option A; and

WHEREAS, the bid submission of the apparent low bidder, JADS Construction of Clarksburg, NJ has been determined to be responsive as detailed in an August 2, 2012 memo transmitted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Department of Public Works to award the base bid plus add option A 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 JADS Construction, whose address is PO BOX 536, Clarksburg, NJ 08510 in an amount not to exceed \$212,107.50 for 2012 Road Program and Drainage Improvements; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with JADS Construction, whose address is PO BOX 536, Clarksburg, NJ 08510 in an amount not to exceed \$212,107.50; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$212,107.50 are available for the aforesaid contract in Capital Accounts C-04-07-

012-908, C-04-07-012-909, C-04-11-002-909 and C-04-12-008-955;  
and

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

- a. JADS Construction
- b. Township Administration
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2012-291

A RESOLUTION AWARDING CONTRACT TO TEMCO FOR CUSTODIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro Department of Public Works is in need of custodial services for the maintenance of public buildings; and

WHEREAS, the Township of Marlboro entered into an agreement (R. 2012-266) with the Marlboro Board of Education to conduct a joint bid for custodial services for the Board and the Township; and

WHEREAS, pursuant to the agreement, upon receipt of bids, both the Board and the Township are responsible for the award of individual contracts, and, upon award, the Board and the Township enter a separate contract with the successful bidder for its respective services; and

WHEREAS, serving as Lead Agency, the Township of Marlboro Board of Education authorized the acceptance of bids for CUSTODIAL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, and on June 12, 2012, received three (3) bids therefor; and

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

Vendor	Bid Amount
ABM Janitorial Services Northeast, Inc.	122,339.04
Pritchard Industries, Inc.	66,005.32
Temco Building Maintenance, Inc.	64,050.00

WHEREAS, it has been determined that the submission of Temco Building Maintenance, Inc. is responsive as detailed in a memo from the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended award of contract to Temco Building Maintenance, Inc., One Madison Street, East Rutherford, NJ 07073, in an amount not to exceed \$64,050.00; 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 Temco Building Maintenance, Inc., One Madison Street, East Rutherford, NJ 07073, in an amount not to exceed \$64,050.00, for the period September 1, 2012 through June 30, 2013; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with Temco Building Maintenance, 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 \$25,620.00 for the 2012 portion of the contract have been certified by the Chief Financial Officer in Account 2-01-122-288.

BE IT FURTHER RESOLVED funds in the amount of \$38,430.00 for the 2013 portion of the contract will be certified by the Chief Financial Officer at the time the 2013 budget is adopted.

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

- a. Temco Building Maintenance, Inc.
- b. Business Administrator
- c. Township Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2012-292

A RESOLUTION AUTHORIZING THE PURCHASE OF  
NEW JERSEY FUND ACCOUNTING AND REMOTE  
REQUISITION SOFTWARE FOR THE  
MARLBORO TOWNSHIP DEPARTMENT OF FINANCE  
PURSUANT TO STATE CONTRACT #77560

WHEREAS, the Marlboro Township Department of Finance has been researching the availability of replacement fund accounting and remote requisition software to allow for the better integration of financial activities across departments and automate certain financial accounting functions; and

WHEREAS, following the independent audit of the 2011 financial statements of the Township of Marlboro, the auditor "noted an opportunity for improvement as it relates to the documentation maintained supporting adjusting journal entries recorded in the Township's general ledger throughout the year"; and

WHEREAS, the Chief Financial Officer has recommended the replacement of the existing software to improve operational efficiency and address the recommendations made by the auditor; and

WHEREAS, SHI holds a State Contract for Software License, Maintenance, Support and Related Services (#77560) which includes NJ Fund Accounting and Remote Requisition Software produced by Municipal Software, Inc. (MSI); and

WHEREAS, the Chief Financial has requested that the Township purchase NJ Fund Accounting and Remote Requisition Software produced by Municipal Software, Inc. (MSI) from SHI, 290 Davidson Avenue, Somerset, NJ 08873, under State Contract #77560 for a total amount not to exceed \$20,858.75; and

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

WHEREAS, funds are available in Account Number C-04-11-002-949 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment for the aforesaid purposes.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase NJ Fund Accounting and Remote Requisition Software produced by Municipal Software, Inc. (MSI) from SHI, 290 Davidson Avenue, Somerset, NJ 08873, under State Contract #77560 for a total amount not to exceed \$20,858.75; and

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

- a. SHI, 290 Davidson Avenue, Somerset, NJ 08873
- b. Township Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2012-294

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN  
MONMOUTH COUNTY, NEW JERSEY, AUTHORIZING THE  
EXECUTION OF AN EQUITABLE SHARING AGREEMENT  
WITH THE UNITED STATES DEPARTMENT OF JUSTICE,  
DRUG ENFORCEMENT ADMINISTRATION

WHEREAS, the Township of Marlboro, Department of Public Safety, Division of Police is currently participating in a Task Force operation with THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION; and

WHEREAS, forfeited assets tied to criminal conduct are from time to time obtained by consent or by court order; and

WHEREAS, as a result of the participation in the Task Force operation, these forfeited assets are shared between the government entities represented on the Task Force; and

WHEREAS, Township of Marlboro, Department of Public Safety, Division of Police is represented on said Task Force and will be eligible for an equitable share of forfeited assets; and

WHEREAS, the governing body of the Township of Marlboro has determined that the entry into the Equitable Sharing 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 Mayor is hereby authorized to execute the Equitable Sharing Agreement annexed hereto as EXHIBIT A.

RESOLUTION # 2012-295

A RESOLUTION CONFIRMING AN EMERGENCY CONTRACT  
WITH MARLBORO LAWN & LANDSCAPING, INC. AND  
AUTHORIZING PAYMENT FOR THE EMERGENCY MAINTENANCE  
OF DETENTION BASINS AS AN EMERGENCY CONTRACT  
PURSUANT TO N.J.S.A. 40A:11-6

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefore ... when an emergency affecting the

public health, safety or welfare requires the immediate ... performance of services ... ."; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefore and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township's contract for detention basin maintenance expired on April 30, 2012; and

WHEREAS, the Township was in the process of preparing bid specs and going out to bid for detention basin maintenance; and

WHEREAS, the Director of Public Works advised the Administration office on May 25, 2012 that the prior year's contract vendor was no longer responsive on a month to month interim basis during the bid period; and

WHEREAS, following several days of extended rainfall in June, detention basin maintenance had fallen behind schedule; and

WHEREAS, the current condition poses a serious threat to the public health, safety and welfare, constituting an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, the Township's Department of Public Works solicited quotes from three (3) vendors and obtained two (2) proposals to provide the necessary maintenance, the lowest proposal of which is from Marlboro Lawn & Landscaping, Inc., PO Box 122, Marlboro, NJ 07746 at a cost of \$19,860.00; and

WHEREAS, funds have been certified by the Chief Financial Officer for this purpose in Account # T-16-58-856-806 for the amount of \$19,860.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, being the governing body thereof, that a contract for the maintenance of Detention Basins for the amount of \$19,860.00 be and is hereby authorized and ratified pursuant to N.J.S.A. 40A:11-6(b); and

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

- a. Marlboro Lawn & Landscaping, Inc.
- b. Township Administration
- c. Township Department of Public Works

RESOLUTION # 2012-296

SUPPORTING THE DRIVE SOBER OR GET PULLED  
OVER 2012 STATEWIDE CRACKDOWN GRANT

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

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

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

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol, and;

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2012 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 17 through September 3, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED that The Township of Marlboro declares its support for the *Drive Sober or Get Pulled Over 2012 Statewide crackdown from August 17 through September 2012*; and pledges to increase awareness of the dangers of drinking and driving.

RESOLUTION # 2012-297

RESOLUTION CONFIRMING THE CHANGE IN SURETY FOR  
MAINTENANCE BONDS POSTED BY CENTEX HOMES, LLC  
AS DEVELOPER FOR SUBDIVISIONS KNOWN AS  
KENSINGTON GATE SECTIONS ONE AND TWO,  
MARLBORO, NEW JERSEY

WHEREAS, the original maintenance bond number ARM10731 was posted by Centex Homes, LLC as developer for the subdivision known as Kensington Gate Section One, Block 415/ Lot 33.12; Block 421/Lots 9.01-9.03; Block 421.02/ Lots 1-4 and 13-14; Block 421.03/Lots 1-6 and 12-16; and Block 421.04/Lots 1-16 with the Township of Marlboro for maintenance in the original amount of \$287,613.00, current amount of \$287,613.00; and

WHEREAS, the original maintenance bond number ARM10732 was posted by Centex Homes, LLC as developer for the subdivision known as Kensington Gate Section Two, Block 415/

Lots 33.01-33.11; Block 421/Lots 9.04-9.20; Block 421.02/Lots 5-12; Block 421.03/Lots 7-11; and Block 421.04/Lots 17-26 with the Township of Marlboro for maintenance in the original amount of \$205,989.84, current amount of \$205,989.84; and

WHEREAS, the Township has received written correspondence from Arch Insurance Company requesting that the Township consent to the reassignment of the bond from Armor Assurance Company maintenance bond number ARM10731 to Arch Insurance Company, maintenance bond number SU1114437 in the amount of \$287,613.00 with the understanding that Arch shall assume all past, present and future liabilities associated with the subject bond; and

WHEREAS, the Township has received written correspondence from Arch Insurance Company requesting that the Township consent to the reassignment of the bond from Armor Assurance Company maintenance bond number ARM10732 to Arch Insurance Company, maintenance bond number SU1114438 in the amount of \$205,989.84 with the understanding that Arch shall assume all past, present and future liabilities associated with the subject bond; and

WHEREAS, the Township consents to the requests of Arch Insurance Company.

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 bond provided by Armor Assurance (bond number ARM10731) be reassigned to Arch Insurance Company (bond number SU1114437) for maintenance obligations of Centex Homes, LLC for the subdivision known as Kensington Gate Section One, Block 415/ Lot 33.12; Block 421/Lots 9.01-9.03; Block 421.02/ Lots 1-4 and 13-14; Block 421.03/Lots 1-6 and 12-16; and Block 421.04/Lots 1-16.

BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the bond provided by Armor Assurance (bond number ARM10732) be reassigned to Arch Insurance Company (bond number SU1114438) for maintenance obligations of Centex Homes, LLC for the subdivision known as Kensington Gate Section Two, Block 415/ Lots 33.01-33.11; Block 421/Lots 9.04-9.20; Block 421.02/Lots 5-12; Block 421.03/Lots 7-11; and Block 421.04/Lots 17-26.

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

- a. Centex Homes, LLC
- b. Arch Insurance Group

- c. Armor Assurance Company
- d. Township Business Administrator
- e. Township Engineer
- f. Township Chief Financial Officer

RESOLUTION # 2012-298

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 66,526.00 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 \$66,526.00 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>
10-125 65 Homestead Circle	374/2	Josef Hoffmann 326 Shady Lane Trenton, NJ 08619 Assessed Owners: Lawrence D. & Sonya C. Bell	949.89
12-027 321 Tylers Lane	146/36	US Bank CUST for Pro Capital I, LLC 50 S. 16 <sup>th</sup> St., Ste. 1950 Philadelphia, PA 19102 Assessed Owner: Debbie Cisson	123.48
12-044 603 Windflower Ct.	176/7 C0603	Nasdom, LLC 1527 East 35 Street Brooklyn, NY 11234 Assessed Owners: Marc R. & Lynne L. Bukofsky	722.28
<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
12-047 869 Mariposa Ct.	176/7 C0869	Nasdom, LLC 1527 East 35 Street Brooklyn, NY 11234 Assessed Owners:	657.33

Dilshod & Elena  
Shermantov

12-096 320/4 427.89  
16 Jennifer Ct. Stuart Lasher  
P.O. Box 83  
Milltown, NJ 08850  
Assessed Owner:  
Senen & Sandra Pitaluga

11-103 184/1 876.63  
189 Route 520 Changsheng Lu  
4235 Coral Berry Path  
Apt. 204  
Gurnee, IL 60031  
Assessed Owner:  
David Smith

10-36 176/121.01 50,249.93  
Route 520 US Bank CUST Empire  
Tax Fund, LLC  
50 S.16<sup>th</sup> St., Ste.1950  
Philadelphia, PA 19102  
Assessed Owner:  
Central Jersey Office  
& Ind. Park

11-49 304/9 7,726.97  
72 Church Rd. BJI Financial Group Inc.  
111 Sandalwood Drive  
Marlboro, NJ 07746  
Assessed Owners:  
Martin S. & Marcy H. Meltzer

2012-098 351/5 2,331.93  
21-23 School Road West Actlien Holding Inc.  
10 Westminster Road  
Rockville Centre, NY 11570  
Assessed Owners:  
Lomanto, Stephen

2012-074 251/38 1,082.08  
99 Gordons Corner Rd Actlien Holding Inc.  
10 Westminster Road  
Rockville Centre, NY 11570  
Assessed Owners:  
Elrais, Ahmen & Amany

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-043	173/7C0386	BJI Financial Group Inc.	1,377.59
386 Hampton Place		111 Sandalwood Drive Marlboro, NJ 07746 Assessed Owners:	

Tuttle, Jason

Total: 66,256.00

At 8:50 PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: September 6, 2012

OFFERED BY: MAZZOLA AYES: 4

SECONDED BY: MARDER NAYS: 0

ABSENT: METZGER

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ALIDA MANCO,  
MUNICIPAL CLERK

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JEFF CANTOR,  
COUNCIL PRESIDENT