

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 1, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on August 1, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; 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 Cantor, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca. Council Vice President Marder was absent.

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

The following Resolution #2013-252/Ordinance #2013-16 (Authorizing Leasing of Capital Equipment from MCIA and Execution of Lease and Agreement) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2013-252/Ordinance #2013-16 was passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-252

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

ORDINANCE # 2013-16

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

which was introduced on July 18, 2013, public hearing held on August 1, 2013, be adopted on second and final reading this 1st day of August, 2013.

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

ORDINANCE # 2013-16

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Township of Marlboro (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issued to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$223,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

The following Resolution #2013-253/Ordinance #2013-17 (Authorizing Guaranty for Payment of Principal and Interest on Capital Equipment Lease Revenue Bond of MCIA) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2013-253/Ordinance #2013-17 was passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-253

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

ORDINANCE # 2013-17

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

which was introduced on July 18, 2013, public hearing held on August 1, 2013, be adopted on second and final reading this 1st day of August, 2013.

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

ORDINANCE # 2013-17

ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2013 (MARLBORO PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Township of Marlboro, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2013 (Marlboro Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Marlboro Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Municipality pursuant to a lease and agreement to be entered into by the Authority and the Municipality (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Municipality, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

(1) The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Municipality's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Municipality's share of the costs of issuance, but in no event shall such principal amount exceed \$223,000.

(2) The Bonds shall mature within eleven years of the date of issue.

(3) The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.

(4) The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

The following Resolution #2013-254 (Acceptance of Audit - 2012) was introduced by reference, offered by Councilman Metzger, and seconded by Councilwoman Mazzola. Discussion followed during which David Gannon, Wiss & Co, auditor for the township, spoke about the outstanding financial records kept by the township and the cooperation of the township employees in preparing the audit. After discussion, the resolution was passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-254

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 2012 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 #2013-255 (Advising and Consenting to Library Board Reappointments - Daphne Mishkin and Francine Robby) was introduced by reference, offered by Councilman Metzger, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-255

RESOLUTION REAPPOINTING DAPHNE R. MISHKIN AND
FRANCINE ROBBY AS MEMBERS OF THE BOARD OF
TRUSTEES OF THE MARLBORO FREE PUBLIC LIBRARY

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to reappoint DAPHNE R. MISHKIN and FRANCINE ROBBY to the Board of Trustees of the Marlboro Free Public Library, for five year terms, such terms to expire August 10, 2018.

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the reappointments of DAPHNE R. MISHKIN and FRANCINE ROBBY.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the reappointments of DAPHNE R. MISHKIN and FRANCINE ROBBY as members of the Board of Trustees of the Marlboro Free Public Library without compensation for terms expiring on August 10, 2018 are hereby confirmed.

BE AND IT IS FURTHER RESOLVED, that these appointments are made pursuant to NJSA 40:54-9 et. seq. and Section 4-93 of the Marlboro Code.

The following Resolution #2013-256 (Authorizing Professional Engineering Services - Rockwell Circle Dam Improvements and Storm Sewer Outfall Inspections) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-256

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO THE ROCKWELL CIRCLE DAM AND STORM SEWER OUTFALL INSPECTIONS

WHEREAS, the Township authorized various infrastructure improvements as part of its 2013 Capital Program which included improvements to the Rockwell Circle Dam (060-5) and Drainage Projects (060-8) ("Project"); and

WHEREAS, the Township approved R.2013-157 on May 2, 2013 which authorized inspections and preparation of an inspection report pertaining to the Rockwell Circle Dam; and

WHEREAS, the NJ Department of Environmental Protection (NJDEP) has reviewed the Township's inspection report submitted on June 27, 2013, and has advised the Township in a communication dated July 11, 2013 that the Rockwell Circle "dam was found to be in an unsatisfactory condition with studies, repairs and maintenance necessary"; and

WHEREAS, NJDEP requires that the Township complete certain activities according to a schedule presented in the July 11, 2013 communication which requires various professional engineering services; and

WHEREAS, a complete inventory and inspection of the Township's stormwater outfall structures is necessary in order to maintain the infrastructure, plan for capital improvements and secure funding to repair damages caused by natural disasters; and

WHEREAS, in 2014, as required by NJDEP every five (5) years, the Township will be required to update its Tier A Stormwater Permit which will require additional inspection of the Township's outfalls; and

WHEREAS, the Township is need of professional engineering services in connection with this Project and has been provided with proposals by CME Associates dated July 24, 2013 ("Proposals") for such Professional Services; and

WHEREAS, the Township of Marlboro and CME Associates 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 \$47,000.00 for such Professional Services, as further described and set forth in CME's Proposals, 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 # 04-215-13-08E-120288, 04-215-13-08C-060288 and 14-228-55-053; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposals; 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, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates 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 CME Associates and the Township of Marlboro, to expand the scope of services to include PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO ROCKWELL CIRCLE DAM AND STORM SEWER OUTFALL INSPECTIONS by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$47,000.00 for such Professional Services, as further described and set forth in CME's Proposals dated July 24, 2013, 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 \$47,000.00 for such additional Professional Services for the Project as described in the Proposals; 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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Public Works Director
- d. Township Chief Financial Officer

The following Resolution #2013-257 (Authorizing Engineering Services in Connection with Reconstruction of Harbor Road Water Treatment Plant) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 (Absent: Marder).

RESOLUTION # 2013-257

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING DESIGN, BIDDING AND CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE HARBOR ROAD WATER TREATMENT PLANT FOR THE DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION

WHEREAS, the Marlboro Township Municipal Utilities Authority (MTMUA) had previously determined that the reconstruction of the Harbor Road Treatment Plant was a critical project in need of attention between 2010 and 2013 ("projects"); and

WHEREAS, the MTMUA had obtained the necessary approvals from the New Jersey Department of Environmental Protection (NJDEP) and initiated the design of the new Harbor Road Treatment Plant; and

WHEREAS, upon the dissolution of the MTMUA, the Township initiated a value engineering study to determine whether the project was essential and whether any cost savings could be realized; and

WHEREAS, it was determined by the Township that the project was indeed essential, and suggestions for changes to the project design and scope were made; and

WHEREAS, as a result of the value engineering study and pursuant to conditions posed by the NJEIT program which includes compliance with all current codes, the Township required changes to the design plans; and

WHEREAS, CMX Engineering is no longer in business and its water group was assumed by Birdsall Services Group ("Birdsall"); and

WHEREAS, following the receipt of proposals, the Township approved R. 2012-346 on October 4, 2012 authorizing a contract with Birdsall for engineering design and bidding services in connection with the Tennent Road and Harbor Road Treatment Plants; and

WHEREAS, the Township learned in March of 2013 that the State of New Jersey had instituted legal action against Birdsall

Services Group, and subsequently was informed by Birdsall that they would be unable to complete the contracted work; and

WHEREAS, the Township canceled its contract with Birdsall for the design of the Harbor Road Plant, a contract which is not assignable, and requires design engineering services in order to proceed with the project; and

WHEREAS, CME ASSOCIATES has agreed to complete the work and assume responsibility for the design plans; and

WHEREAS, NJEIT requires that a contract for construction management be awarded as a condition of a loan commitment being issued; and

WHEREAS, the Township desires to complete this critical infrastructure project in order to ensure a safe water supply fully compliant with State and Federal regulations, increase the available water supply during times of peak demand, take steps to reduce dependency on external water supplies, extend well capacity and improve redundancy within system and lower the costs of water provision over the long term; and

WHEREAS, CME Associates has provided proposals dated July 30, 2013 (the "Proposals") for such Professional Services in connection with the Project with a not to exceed amount of \$819,052.00; and

WHEREAS, the Township of Marlboro and CME Associates 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 \$819,052.00 for such Professional Services, as further described and set forth in CME's Proposals, 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 in the amount of \$198,000.00 are available for the engineering design and bidding services from Account # 06-215-13-10B-040226; and

WHEREAS, funds for the construction management services will be certified by the Chief Financial Officer at the time a loan commitment is issued by the NJEIT; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its

contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposals; 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, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates 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 CME Associates and the Township of Marlboro, to expand the scope of services to include professional planning services by way of its Township Engineer for PROVISION OF ENGINEERING DESIGN, BIDDING AND CONSTRUCTION MANAGEMENT SERVICES IN CONNECTION WITH THE RECONSTRUCTION OF THE HARBOR ROAD WATER TREATMENT PLANT FOR THE DEPARTMENT OF PUBLIC WORKS, WATER UTILITY DIVISION ("Professional Services"), at a fee not to exceed \$819,052.00 for such Professional Services, as further described and set forth in CME's Proposals dated July 30, 2013 ("Proposals"), 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 \$819,052.00 for such additional Professional Services for the Project as described in the Proposals; 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. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Mayor Jonathan L. Hornik
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder): Res. #2013-259 (Authorizing One Year Contract Renewal - Rental Equipment & Operator Service), Res. #2013-260 (Authorizing One Year Contract Renewal - Temp Personnel Agency Service), Res. #2013-261 (Authorizing One Year Contract Renewal Type 13 Bulky Waste), Res. #2013-262 (Authorizing One Year Contract Renewal - Road Materials), Res. #2013-263 (Authorizing Contract Extension on a Monthly Basis - Township Property Maintenance), Res. #2013-264 (Award of Bid - Improvements to Vanderburg Road - Phase III), Res. #2013-265 (Award of Bid - Municipal Complex Walkway Improvements), Res. #2013-266 (Award of Bid - Route 79 Streetscape Improvements), Res. #2013-267 (Authorizing Budget Amendment - Highway Safety Grant), Res. #2013-268 (Subordination of Mortgage - 11 Prescott Drive), Res. #2013-269 (Subordination of Mortgage - 24 Damascus Drive), Res. #2013-270 (Discharge of Mortgage - 56 Tivoli Court), Res. #2013-271 (Discharge of Mortgage - 947 Lily Court) and Res. #2013-272 (Discharge of Mortgage - 955 Lily Court).

RESOLUTION # 2013-259

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO LUCAS
CONSTRUCTION GROUP, INC. FOR THE PROVISION OF EQUIPMENT
RENTAL AND OPERATOR SERVICE FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution 2012-288 the Municipal Council of the Township of Marlboro awarded a contract to LUCAS CONSTRUCTION GROUP, INC. for THE PROVISION OF EQUIPMENT RENTAL AND OPERATOR

SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) on August 9, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

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

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. whose address is 173 Amboy Road, Morganville, NJ 07751 for a period of one year commencing on August 1, 2013 and expiring on July 31, 2014, in a total amount not to exceed \$66,450.00; and

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

BE IT FURTHER RESOLVED funds in the amount of \$66,450.00 have been certified by the Chief Financial Officer in Account 04-215-11-02C-120288 for this purpose; and; and

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 Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-260

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO ANCHOR STAFFING FOR THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2012-270 the Municipal Council of the Township of Marlboro awarded a contract to ANCHOR STAFFING for THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) on July 12, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for an additional one (1) year period on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to ANCHOR STAFFING whose address is 754 Route 18 North, Suite 105, East Brunswick, NJ 08816 for a period of one year commencing on September 1, 2013 and expiring on August 31, 2014, in a total amount not to exceed \$122,694.95; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with ANCHOR STAFFING in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$56,467.52 are available for the aforesaid contract in 2013 Budget Account 01-201-28-123-288120 and 2013 Clean Communities Grant Account 02-213-13-703-123000; and

BE IT FURTHER RESOLVED, that funds in the amount of \$66,227.43 will be made available and certified in 2014 upon adoption of the budget.

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

- a. ANCHOR STAFFING
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-261

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO FREEHOLD CARTAGE, INC. FOR THE DISPOSAL OF TYPE 13 BULKY WASTE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, by Resolution #2012-306 the Municipal Council of the Township of Marlboro awarded a contract to FREEHOLD CARTAGE, INC. for the DISPOSAL OF TYPE 13 BULKY WASTE FOR THE TOWNSHIP OF

MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU on September 6, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

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

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 a period of one year commencing on September 1, 2013 and expiring on August 31, 2014, in a total amount not to exceed \$53,200.00; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$17,733.33 are available for the aforesaid contract in the 2013 Budget Account 01-201-32-170-233; and

BE IT FURTHER RESOLVED, that funds in the amount of \$35,466.67 will be made available and certified in 2014 upon adoption of the budget.

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

- a. FREEHOLD CARTAGE, INC.
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-262

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO TRAP ROCK INDUSTRIES, INC. FOR THE PROVISION OF ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2012-287 the Municipal Council of the Township of Marlboro awarded a contract to TRAP ROCK INDUSTRIES, INC. for THE PROVISION OF ROAD MATERIALS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) on August 9, 2012; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

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

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. whose address is PO Box 419, Kingston, New Jersey 08528 for a period of one year commencing on August 1, 2013 and expiring on July 31, 2014, in a total amount not to exceed \$253,050.00; and

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

BE IT FURTHER RESOLVED funds in an amount not to exceed \$253,050.00 will be certified by the Chief Financial Officer at the time the order is placed; and

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 Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-263

A RESOLUTION AUTHORIZING CONTRACT EXTENSION ON A MONTHLY BASIS TO MARLBORO LAWN & LANDSCAPING, INC. FOR THE PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, by Resolution #2012-265 the Municipal Council of the Township of Marlboro awarded a contract to MARLBORO LAWN &

LANDSCAPING, INC. for the PROVISION OF TOWNSHIP PROPERTY MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW) for the period August 1, 2012 through July 31, 2013; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, a contract may be extended by mutual agreement of the parties to the contract when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Township is in the process of preparing bid specs and going out to bid for Property Maintenance services; and

WHEREAS, the Director of Public Works has recommended that the Township extend the current contract with MARLBORO LAWN & LANDSCAPING, INC. on a monthly basis until such time as a new contract can be awarded; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the contract be extended on a monthly basis with MARLBORO LAWN & LANDSCAPING, INC. whose address is 146 Route 79, PO Box 122, Marlboro, NJ 07746 commencing on August 1, 2013, in a total amount not to exceed \$62,150.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in an amount not to exceed \$62,150.00 are available for the aforesaid contract extension in Budget Accounts 14-228-55-053 and 09-201-55-400-288452.

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 Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-264

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO MECO, INC. FOR IMPROVEMENTS TO VANDERBURG ROAD - PHASE III

WHEREAS, the Township of Marlboro as part of its 2013 capital program (060-1 & 060-4) authorized various road improvements including Vanderburg Road - Phase III; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for IMPROVEMENTS TO VANDERBURG ROAD - PHASE III, and on July 25, 2013, received seven (7) bids, as follows:

	Base Bid
Meco, Inc., Clarksburg, NJ 08510	298,161.25
Earle Asphalt Co., Farmingdale, NJ 07727	310,313.13
Z Brothers Concrete Contractors, Sayreville, NJ 08872	325,931.00
Lucas Construction Group, Inc., Morganville, NJ 07751	329,062.00
A&A Curbing, South River, NJ 08882	350,646.50
Fiore Paving, Oceanport, NJ 07757	385,382.00
Black Rock Enterprises, Old Bridge, NJ 08857	386,562.25

; and

WHEREAS, it has been determined that the submission of the lowest bidder, MECO, INC. is responsive as detailed in a July 29, 2013 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 MECO, INC., whose address is PO Box 536, Clarksburg, NJ 08510 in an amount not to exceed \$298,161.25 for IMPROVEMENTS TO VANDERBURG ROAD - PHASE III; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with MECO, INC. in an amount not to exceed \$298,161.25; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$298,161.25 are available for the aforesaid contract in Capital Accounts 04-215-13-08B-120288, 04-215-10-16A-120288 and 04-215-11-02C-120288; and

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

- a. MECO, INC.
- b. Township Administration
- c. Director of Public Works

RESOLUTION # 2013-265

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO LUCAS CONSTRUCTION GROUP, INC. FOR
MUNICIPAL COMPLEX WALKWAY IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2012 capital program (156-5) authorized MUNICIPAL COMPLEX WALKWAY IMPROVEMENTS; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for MUNICIPAL COMPLEX WALKWAY IMPROVEMENTS, and on July 25, 2013, received seven (7) bids, as follows:

	Base Bid	Deletion Item "A"	Total Bid
Lucas Construction Group, Inc. Morganville, NJ 07751	128,382.50	34,425.50	93,957.00
All Surface Asphalt Paving, Inc. Point Pleasant, NJ 08742	134,080.00*	38,387.00	95,693.00
Fiore Paving Co. Oceanport, NJ 07757	139,429.15	44,090.41	95,338.74
Earle Asphalt Co. Farmingdale, NJ 07727	150,713.13	40,528.21	110,184.92
Black Rock Enterprises Old Bridge, NJ 08857	179,427.50	52,526.50	126,901.00
Diamond Construction Brick, NJ 08723	187,533.30	59,923.82	127,609.48
Meco, Inc. Clarksburg, NJ 08510	202,950.00	48,747.00	154,203.00

*Bid amount adjusted for errors in calculation

; and

WHEREAS, the bid was comprised of a base bid and Deletion Item A; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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., whose address is 173 Amboy Road, Morganville, NJ 07751 in an amount not to exceed \$93,957.00 for MUNICIPAL COMPLEX WALKWAY IMPROVEMENTS; and

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 an amount not to exceed \$93,957.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$93,957.00 are available for the aforesaid contract in Capital Account 04-215-12-08E-145288; and

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. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2013-266

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO CUSTOM CONCRETE CONSTRUCTION, INC. FOR ROUTE
79 STREETSCAPE IMPROVEMENTS

WHEREAS, the Township of Marlboro as part of its 2013 capital program (060-6) authorized ROUTE 79 STREETSCAPE IMPROVEMENTS; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ROUTE 79 STREETSCAPE IMPROVEMENTS, and on July 25, 2013, received six (6) bids, as follows:

	Base Bid	Deletion Item 'A' (-)	Deletion Item 'B' (-)	Sub Total (Base Bid - Del A & Del B)	Alternate Item 1 (+)	Total Bid
Custom Concrete Construction Inc. Marlboro, NJ 07746	533,608.50	25,005.00*	44,644.00	463,959.50	71,570.00*	535,529.50
S. Batata Construction, South River, NJ 08882	633,182.65	31,185.00*	51,000.00	550,997.65	69,100.00*	620,097.65
Tony and Son, Inc. Rahway, NJ 07065	652,730.00	24,547.00*	41,786.00	586,397.00	75,000.00	661,397.00
Lucas Construction Group, Inc. Morganville, NJ 07751	679,679.79	26,165.00	43,600.00	609,914.79	20,550.00	630,464.79
Brennan Brothers Construction Old Bridge, NJ 08857	681,113.30	45,224.60	65,088.00	570,800.70	86,395.00	657,195.70
V&K Construction Edison, NJ 08817	693,300.00	42,659.00*	57,280.00	593,361.00	-11,600.00*	581,761.00

*Bid amounts adjusted for errors in calculation

; and

WHEREAS, the bid was comprised of a base bid, Deletion Item A, Deletion Item B, add Alternate Item 1; and

WHEREAS, due to funding constraints, the Township is only in the position to award the base bid minus Deletion Item 'A' and Deletion Item 'B'; and

WHEREAS, it has been determined that the submission of the lowest bidder, CUSTOM CONCRETE CONSTRUCTION, INC. is responsive as detailed in a July 29, 2013 memo submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid 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 CUSTOM CONCRETE CONSTRUCTION, INC., whose address is 22 School Road West, Marlboro, NJ 07746 in an amount not to exceed \$463,959.50 for ROUTE 79 STREETScape IMPROVEMENTS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with CUSTOM CONCRETE CONSTRUCTION, INC. in an amount not to exceed \$463,959.50; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$463,959.50 are available for the aforesaid contract in Capital Accounts 04-215-13-08D-120288, 04-215-11-02C-120288 and 04-215-12-08A-120288; and

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

- a. CUSTOM CONCRETE CONSTRUCTION, INC.
- b. Township Administration
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer

RESOLUTION # 2013-267

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law

and the amount thereof was not determined at the time of the adoption of the budget; and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2013 in the sum of \$72,194.14, which has been received by the municipality for the "2013 Highway Safety Fund".

Section 2

BE IT FURTHER RESOLVED that the amount of \$72,194.14 be hereby appropriated under the caption "2013 Highway Safety Fund".

RESOLUTION # 2013-268

A RESOLUTION AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED MARCH 17, 2011, ON A PROPERTY LOCATED AT 11 PRESCOTT DRIVE, MARLBORO, NEW JERSEY, AND OWNED BY GAETANO IGNARRA AND PAULA HEALY-IGNARRA H/W

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which was administered in accordance with the New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing n/k/a The Office Of Local Planning Services; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, on or about December 13, 2008, the homeowners hereunder, Gaetano Ignarra and Paula Healy-Ignarra ("the Homeowners"), purchased a residence at 11 Prescott Drive in the Township of Marlboro, Block 232, Lot 5 ("the Residence") with said deed being recorded on December 16, 2008, in the Monmouth County Clerk's Office in deed book OR-8750, at page 221 et seq.; and

WHEREAS, the Homeowners had subsequently made application to Marlboro Township's rehabilitation program and they qualified for a loan in order to correct code violations and to correct substandard conditions at the Residence in furtherance of Marlboro's rehabilitation program; and

WHEREAS, the stated repairs had been made to the Residence in compliance with the rehabilitation program's dictates; and

WHEREAS, as a condition of approval into the rehabilitation program Marlboro Township held (and continues to hold) a mortgage in the amount of \$17,890.00 regarding the Residence ("the Marlboro Mortgage") with said mortgage (dated March 17, 2011) being recorded in the Monmouth County Clerk's Office on July 5, 2011, in deed book OR-8897 at page 3182; and

WHEREAS, the Homeowners subsequently sought to refinance an existing mortgage (not the Marlboro Mortgage) with Guaranteed Rate and a request was made to the Township of Marlboro to subordinate the Marlboro Mortgage; and

WHEREAS, the Township of Marlboro granted this request as per Resolution No. 2011-364 and subsequently, a subordination of the Marlboro Mortgage was recorded in the Monmouth County Clerk's Office on November 2, 2011, at Book OR-8914, at page 7855; and

WHEREAS, the Guaranteed Rate mortgage, which was dated October 26, 2011, was recorded with the Monmouth County Clerks' Office on November 2, 2011, in Book OR-8914, at Page 7839; and

WHEREAS, the Homeowners now desire to refinance the Guaranteed Rate mortgage with a lender by the name of "CashCall, Inc." and as part and parcel of same, a subordination of the Marlboro Mortgage is again necessary; and

WHEREAS, CashCall, Inc. desires—as part of the refinance—to place a first lien priority mortgage on the Residence; and

WHEREAS, CashCall, Inc. and the Homeowners have requested that the Township of Marlboro subordinate the Marlboro Mortgage to the new loan to facilitate the refinance; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination 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. Township Business Administrator, Jon Capp
- b. Thomas P. Howley, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2013-269

A RESOLUTION AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED DECEMBER 15, 2010, ON A PROPERTY LOCATED AT 24 DAMASCUS DRIVE, MARLBORO, NEW JERSEY, AND OWNED BY ALFONSO G. DILIBERTO AND ROSE MARIE DILIBERTO H/W

WHEREAS, the Township of Marlboro has implemented a housing rehabilitation program in the Township, which is administered in accordance with the New Jersey=s Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) and the administrative rules of the Council on Affordable Housing; and

WHEREAS, as part of the foregoing rehabilitation program Marlboro has in fact provided rehabilitation assistance to various residents of The Township of Marlboro; and

WHEREAS, on or about July 9, 2009, the homeowners hereunder, Alfonso G. Diliberto and Rose Marie Diliberto ("the Homeowners"), purchased a residence at 24 Damascus Drive in the Township of Marlboro, Block 403, Lot 17 ("the Residence") with said deed being recorded on July 16, 2009, in the Monmouth County Clerk's Office in deed book OR-8786, at page 4385 et seq.; and

WHEREAS, as part of this purchase the Homeowners gave a mortgage against the Residence to Wachovia Mortgage on or about July 15, 2009, with said mortgage being recorded on July 16, 2009, in the Monmouth County Clerk's Office in deed book OR-8786, at page 4907 et seq.; and

WHEREAS, the Homeowners had subsequently made application to Marlboro Township's rehabilitation program and they qualified for a loan in order to correct code violations and to correct substandard conditions at the Residence in furtherance of Marlboro's rehabilitation program; and

WHEREAS, the stated repairs had been made to the Residence in compliance with the rehabilitation program's dictates; and

WHEREAS, as a condition of approval into the rehabilitation program Marlboro Township held (and continues to hold) a mortgage in the amount of \$15,090.00 regarding the Residence ("the Marlboro Mortgage") with said mortgage being recorded in the

Monmouth County Clerk's Office on July 5, 2011, in deed book OR-8897 at page 3178; and

WHEREAS, the Homeowners now desire to refinance the Wachovia Mortgage through Wells Fargo Bank, N.A. and as part and parcel of same, a subordination of the Marlboro Mortgage is necessary; and

WHEREAS, Wells Fargo Bank, N.A. desires—as part of the refinance—to place a first lien priority mortgage on the Residence; and

WHEREAS, Wells Fargo Bank, N.A. and the Homeowners have requested that the Township of Marlboro subordinate the Marlboro Mortgage to the new loan to facilitate the refinance; and

WHEREAS, it has been determined that there is good cause to subordinate the Marlboro Mortgage to the new loan to be given by Wells Fargo Bank, N.A.;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination 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. Township Business Administrator, Jonathan Capp
- b. Thomas P. Howley, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION # 2013-270

A RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL AUTHORIZING A DISCHARGE OF A REPAYMENT MORTGAGE DATED SEPTEMBER 19, 1996, ALONG WITH AN AFFORDABLE HOUSING AGREEMENT DATED SEPTEMBER 19, 1996, WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 546 TIVOLI COURT, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 546 Tivoli Court, a/k/a Lot 7, Block 176, Marlboro, New Jersey ("the Property"), is an affordable unit 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, Nino Palumbo became the record owner of the Property by way of a purchase of same on or about November 9, 2011, for a stated consideration of \$68,216.00; and

WHEREAS, Nino Palumbo purchased the Property from The Estate of Kathleen Grasso, Deceased, and Kathleen Grasso had previously executed a "Repayment Mortgage" on or about September 9, 1996 ("the Mortgage"), in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the foregoing Mortgage was subsequently recorded in the Monmouth County Clerk's Office on September 19, 1996, in Mortgage Book OR-6061, at Page 0235 et seq.; and

WHEREAS, Kathleen Grasso had also executed an affordable housing agreement also on September 9, 1996, ("the Agreement") with said agreement being recorded in the Monmouth County Clerk's Office on September 19, 1996, in Book 5535, at Page 0473 et seq.; and

WHEREAS, despite the sale of the Property the Mortgage and the Agreement remain of record and they need to be discharged; and

WHEREAS, Nino Palumbo requests that the foregoing Mortgage and Agreement be discharged of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage and Agreement for the reasons sets forth herein and because of the change in ownership from The Estate of Kathleen Grasso to Nino Palumbo;

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

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage and Agreement that it 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. Township Business Administrator, Jonathan Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Keith Arcomano, Esq.; and
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2013-271

A RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL AUTHORIZING
A DISCHARGE OF A REPAYMENT MORTGAGE DATED JANUARY 25, 2002,
ALONG WITH AN AFFORDABLE HOUSING AGREEMENT DATED
JANUARY 25, 2002, WHICH WAS RECORDED AGAINST A RESIDENTIAL
PROPERTY LOCATED AT 947 LILY COURT, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 947 Lily Court, a/k/a Lot 7.27, Block 176, Marlboro, New Jersey ("the Property"), is an affordable unit 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, Donna Botas became the record owner of the Property by way of a purchase of same on or about December 29, 2011, for a stated consideration of \$99,000.00; and

WHEREAS, Donna Botas purchased the Property from Michael Mahnken who had previously executed a "Repayment Mortgage" on or about January 25, 2002 ("the Mortgage"), in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the foregoing Mortgage was subsequently recorded in the Monmouth County Clerk's Office on April 22, 2002, in Mortgage Book OR-8101, at Page 2157 et seq.; and

WHEREAS, Michael Mahnken also executed an affordable housing agreement also on January 25, 2002, ("the Agreement") with said agreement being recorded in the Monmouth County Clerk's Office on April 22, 2002, in Book OR-8101, at Page 2145 et seq.; and

WHEREAS, despite the sale of the Property the Mortgage and the Agreement remain of record and they need to be discharged; and

WHEREAS, Donna Botas requests that the foregoing Mortgage and Agreement be discharged of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage and Agreement for the reasons sets forth herein and because of the change in ownership from Michael Mahnken to Donna Botas;

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

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage and Agreement that it 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. Township Business Administrator, Jonathan Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Keith Arcomano, Esq.; and
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2013-272

A RESOLUTION OF THE MARLBORO TOWNSHIP COUNCIL AUTHORIZING
A DISCHARGE OF A REPAYMENT MORTGAGE DATED NOVEMBER
10, 2008, WHICH WAS RECORDED AGAINST A RESIDENTIAL
PROPERTY LOCATED AT 955 LILY COURT, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 955 Lily Court, a/k/a Lot 7, Block 176, Marlboro, New Jersey ("the Property"), is an affordable unit 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, Cheryl Amato n/k/a Cheryl Russo became the record owner of the Property by way of a purchase of same on or about November 10, 2008, for a stated consideration of \$111,625.00, by way of a deed recorded on November 25, 2008, in Deed Book OR-8748, at page 478 et seq.; and

WHEREAS, when Cheryl Amato n/k/a Cheryl Russo purchased the Property she also executed a "Repayment Mortgage" on or about November 10, 2008 ("the Mortgage"), in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro; and

WHEREAS, the foregoing Mortgage was subsequently recorded in the Monmouth County Clerk's Office on November 25, 2008, in Mortgage Book OR-8748, at Page 495 et seq.; and

WHEREAS, Cheryl Amato n/k/a Cheryl Russo now desires to sell the Property to Kimberly Gregg however, as a condition of closing the Mortgage needs to be discharged; and

WHEREAS, Cheryl Amato n/k/a Cheryl Russo requests that the foregoing Mortgage be discharged of record; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein;

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

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage that it 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. Township Business Administrator, Jonathan Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Stacy Fidlow, Esq.; and
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

At 7:30PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. (Absent: Marder).

MINUTES APPROVED: SEPTEMBER 12, 2013

OFFERED BY: MAZZOLA AYES: 4

SECONDED BY: METZGER NAYS: 0

ABSTAIN: MARDER

ALIDA MANCO,
5569 MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT