

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 10, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on October 10, 2013 at 7:00 P.M. at Greenbriar at Marlboro Clubhouse, 21 Clubhouse Lane, 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 location change of this 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 March 20, 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, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

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

Councilman Cantor moved that the minutes of September 12 and September 26, 2013 be approved. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

Council President La Rocca opened the Public Hearing on Ordinance #2013-20 (Amending Drug Free School Zone). As there was no one who wished to speak, the Public Hearing was closed. Resolution #2013-301/Ordinance #2013-20) was introduced by reference, offered by Council Vice President Marder, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-301

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

ORDINANCE # 2013-20

AN ORDINANCE AMENDING SECTION 158-1 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE DRUG FREE ZONE MAP

which was introduced on September 26, 2013, public hearing held on October 10, 2013, be adopted on second and final reading this 10<sup>th</sup> day of October, 2013.

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

The following Resolution #2013-302/Ordinance #2013-015 (AS AMENDED - Amending Section 220-140 - Standards for Sheds) was introduced by reference, offered by Council President LaRocca and seconded by Councilman Cantor and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-302

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

ORDINANCE # 2013-15 (As Amended)

AN ORDINANCE AMENDING SECTION 220-140(E) ENTITLED "LOCATION" OF THE MARLBORO TOWNSHIP CODE TO AMEND PROVISIONS ESTABLISHING SPECIFIC SETBACK STANDARDS TO BE SOLELY APPLICABLE TO SHEDS

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 November 14, 2013 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 # 2013-15 (As Amended)

AN ORDINANCE AMENDING SECTION 220-140(E) ENTITLED "LOCATION" OF THE MARLBORO TOWNSHIP CODE TO AMEND PROVISIONS ESTABLISHING SPECIFIC SETBACK STANDARDS TO BE SOLELY APPLICABLE TO SHEDS

WHEREAS, the Section 220-140(E) of the Township Code entitled "Location" provides guidelines to for the location of accessory buildings and structures, however, same does not include provisions solely applicable to sheds

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that Section 220-140 of the Code of the Township of Marlboro entitled "Accessory Buildings and Structures" is hereby amended and supplemented to amend section 220-140(E) entitled "Location" amend the provisions establishing specific setback standards to be solely applicable to sheds which are placed on a property as an accessory structure as follows:

2) The setbacks for sheds that are placed on a property as an accessory structure shall be as follows within a residential zone:

- a) Sheds shall not be larger than one-hundred-twenty square feet and not taller than eleven (11') feet in height, and shall be set back a minimum of five (5') feet from side and rear property lines on conforming lots within R20, R25, R30, R30/20, R40/30, R60/20, and R60/30 Zoning Districts.
- b) Sheds shall not be larger than one-hundred-fifty square feet and not taller than eleven (11') feet in height, and shall be set back a minimum of five (5') feet from side and rear property lines on conforming lots within the R40, R60/40, R60, R80/60, and LC (cluster) Zoning Districts.
- c) Sheds shall not be larger than two hundred square feet and not taller than eleven (11') feet in height, and shall be set back a minimum of five (5') feet from side and rear property lines on conforming lots within the R80 and LC Zoning Districts.
- d) Not more than one such shed shall be permitted to be placed on the property.

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.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Cantor, seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor: Res. #2013-298 (Award of Bid - Police Uniforms), Res. #2013-303 (Authorizing Application for DDEF Grant Funding 2013), Res. #2013-304 (Award of Bid - Front End Loaders (Capital 120-4), Res. #2013-305 (Redemption Tax Sale Certs - Various), Res. #2013-306 (Discharge of Mortgage - 607 Windflower Court).

RESOLUTION #2013-298

A RESOLUTION AWARDING CONTRACT TO ATLANTIC TACTICAL, INC.  
FOR THE PROVISION OF POLICE UNIFORMS FOR THE  
TOWNSHIP OF MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT, and on August 27, 2013, received two (2) bids, as follows:

Company	Location	Bid Amount
Atlantic Tactical, Inc.	New Cumberland, PA	\$ 103,196.40
Action Uniform Co., LLC	Egg Harbor Twp., NJ	\$ 107,355.00

; and

WHEREAS, following a review of the bids, as described in a memo dated September 23, 2013 from the Chief of Police, it has been determined that the submission of the apparent lowest bidder for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT is responsive; and

WHEREAS, the Police Department has recommended the award of contract to ATLANTIC TACTICAL, INC., the apparent lowest bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Chief of Police 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 ATLANTIC TACTICAL, INC., whose address is 763 Corporate Circle, New Cumberland, PA 17070 in an amount not to exceed \$45,000.00 for the PROVISION OF POLICE UNIFORMS FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT for the period of September 1, 2013 - August 31, 2014, 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 ATLANTIC TACTICAL, INC., 763 Corporate Circle, New Cumberland, PA 17070 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$15,000.00 are available for the aforesaid contract in 2013 Budget Account 01-201-25-106-266 and 01-201-25-212-266.

BE IT FURTHER RESOLVED funds in the amount of \$30,000.00 will be made available and certified in 2014 upon adoption of the budget.

WHEREAS, the bid specifications contain a provision whereby the Township may renew the contract for one additional two (2) year period or two additional one (1) year periods on the same terms and conditions as specified in the bid proposal.

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

- a. ATLANTIC TACTICAL, INC.
- b. Township Business Administrator (via RIM)
- c. Township Chief of Police
- d. Township Chief Financial Officer

RESOLUTION # 2013-303

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO  
APPLY FOR DRUNK DRIVING ENFORCEMENT FUNDS FROM THE  
NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY,  
DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety (DHTS) is responsible for the administration of the Drunk Driving Enforcement Fund (DDEF) established by N.J.S.A.39:4-50.8; and

WHEREAS, under the Statute, police departments are entitled to \$95 of the \$100 surcharge resulting from a drunk driving conviction in their community. and

WHEREAS, at least 50% of the grant must be used for overtime patrols, checkpoints, or court proceedings related to drunk driving enforcement while the remainder can be used to purchase

equipment, provide training and other tasks related to drunk driving enforcement; and

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and

WHEREAS, \$7,974.71 in funds are currently available to the Township; and

WHEREAS, the Township wishes to apply for the maximum amount of funding available.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety (DHTS) and execute an agreement for funding from the Drunk Driving Enforcement Fund.

RESOLUTION # 2013-304

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO FOLEY, INCORPORATED FOR THE PROVISION OF TWO (2) NEW 2013 OR NEWER FRONT END LOADERS WITH RELATED EQUIPMENT FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2013 capital program (120-4) authorized the purchase of FRONT END LOADERS WITH RELATED EQUIPMENT; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for FRONT END LOADERS WITH RELATED EQUIPMENT, and on October 1, 2013, received two (2) bids, as follows:

			Foley, Incorporated 855 Centennial Avenue Piscataway, NJ 08855		Jesco, Inc. 118 St. Nicholas Ave So. Plainfield, NJ 07080	
		Est. Qty.	Unit Price	Ext. Price	Unit Price	Ext. Price
Base Bid	Front End Loaders	2	107,410.00	214,820.00	114,015.00	228,030.00
Opt. 1	Grapple Bucket	2	8,886.00	17,772.00	10,300.00	20,600.00
Opt. 2	520 Tink Bucket	2	10,976.00	21,952.00	10,600.00	21,200.00
Opt. 3	Twelve Foot Snow Pusher	2	4,495.00	8,990.00	9,798.00	19,596.00
Total				263,534.00		289,426.00

; and

WHEREAS, the bid was comprised of a base bid, Option 1, Option 2, and Option 3; and

WHEREAS, due to funding constraints, the Township is only in the position to award the items as follows; and

			Foley, Incorporated 855 Centennial Avenue Piscataway, NJ 08855		Jesco, Inc. 118 St. Nicholas Ave So. Plainfield, NJ 07080	
		Est. Qty.	Unit Price	Ext. Price	Unit Price	Ext. Price
Base Bid	Front End Loaders	2	107,410.00	214,820.00	114,015.00	228,030.00
Opt. 1	Grapple Bucket	2	8,886.00	17,772.00	10,300.00	20,600.00
Opt. 2	520 Tink Bucket	1	10,976.00	10,976.00	10,600.00	10,600.00
Opt. 3	Twelve Foot Snow Pusher	1	4,495.00	4,495.00	9,798.00	9,798.00
Total				<b>248,063.00</b>		269,028.00

WHEREAS, the submission of the lowest bidder, FOLEY, INCORPORATED included one exception which was determined to be non-material in nature in an October 2, 2013 memo drafted by the Director of Public Works; and

WHEREAS, the Director of Public Works has recommended that the contract be awarded to FOLEY, INCORPORATED; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works to award the bid 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 FOLEY, INCORPORATED, whose address is 855 Centennial Avenue, Piscataway, NJ 08855 in an amount not to exceed \$248,063.00 FOR THE PROVISION OF TWO (2) NEW 2013 OR NEWER FRONT END LOADERS WITH RELATED EQUIPMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with FOLEY, INCORPORATED in an amount not to exceed \$248,063.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$248,063.00 are available for the aforesaid contract in Capital Account 04-215-13-08J-122297; and

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

- a. FOLEY, INCORPORATED
- b. Township Administration
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-305

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 346,525.05 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 \$ 346,525.05 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>
2013-117 20 STONE LANE	371/32	US BANK CUST FOR PRO CAP II 50 S. 16 <sup>TH</sup> ST. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Pomerantsev, Gregory & Anna	1,307.32
2013-092 8 Robinson Road	270/71	US BANK CUST FOR PRO CAP II 50 S. 16 <sup>TH</sup> ST. Suite 1950 Philadelphia, PA 19102 Assessed Owner: Pomerantsev, Gregory & Anna	1,322.69
2013-032 44 Devonshire Drive	171/39	Ridgeback Ventures P.O. Box 503 Mount Freedom, NJ 07970 Assessed Owner: Asaro, Charles & Pamela	168.54
2013-028 100 Igoe Rd	157/34.04 BLDG	Ridgeback Ventures P.O. Box 503 Mount Freedom, NJ 07970 Assessed Owner: Pesce, Laurence	53,015.22
11-69 39 Conover Road	153/39.02	Alvero Acquisition Corp. 1 Executive Blvd. Yonkers, NY 10701 Assessed Owner: Azhar, Sarwat	161,279.85

SCHEDULE "A" (continued)

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-088 6 Bruce Road	263/3	Nasdom, LLC 1527 E. 35 Street Brooklyn, NY 11234 Assessed Owner: Menasse, Brian & Kim	329.81
2012-108 4 Cross Lane	380/23	Rainbow Associates, LLC P.O. Box 117 Morris Plains, NJ 07950 Assessed Owner: Falica, Rosaria	11,886.57
2013-110 21-23 School Road West	351/5	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owners: Lomanto, Stephen	2,269.19
2013-043 713 Snowdrop Court	176/7/C0713	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owners: Sapienza, Josephine	626.95
2013-073 3 Crenshaw Court	214.01/3	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owners: Rhee, Peter J. & Eun J.	2,610.63
2013-140 27 Barn Swallow Blvd	412.08/13	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owners: Ozgunaydin, Burhan & Zeynep Jale	992.00
10-156 132 Texas Road	103/7	Vasyl or Maria Kavatsiuk 449 Mountain Avenue Berkeley Heights, NJ 07922 Assessed Owners: Howley, Thomas	34,366.37

SCHEDULE "A" (continued)

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2013-105	314/1	Income One	36,438.76
161 Gordons Corner Road		1350 Beverly Road ST 115-316 Mclean, VA 22101 Assessed Owner: Rabin, Alice	
2012-104	364/1	FNA Jersey Lien Services, LLC	39,911.15
1 OAK LANE		575 ROUTE 70 2 <sup>ND</sup> FLOOR P.O. BOX 1030 BRICK, NJ 08723 Assessed Owner: Mc Dermott, Damian & Joan	
TOTAL:			<u>346,525.05</u>

RESOLUTION # 2013-306

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL  
AUTHORIZING A DISCHARGE OF A REPAYMENT MORTGAGE DATED  
AUGUST 31, 1995, WHICH WAS RECORDED AGAINST A PROPERTY  
LOCATED AT 607 WINDFLOWER COURT, MORGANVILLE,  
NEW JERSEY, WHICH IS OWNED BY SUSAN THOMAS

WHEREAS, a residential unit commonly known as 607 Windflower Court, Morganville, 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, Susan Thomas purchased and became the record owner of the Property by way of a purchase of same on or about August 31, 1995, by way of deed from Barbara McCormack, which deed was recorded on September 6, 1995, in deed book 5440, page 543; and

WHEREAS, as part and parcel of the foregoing purchase Susan Thomas executed a repayment mortgage on or about August 31, 1995, in favor of the Department of Community Affairs which is an agency and an instrumentality of the Township of Marlboro (the "Mortgage"); and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on September 6, 1995, in Mortgage Book MB-5848, at Page 0037 et seq.; and

WHEREAS, on or about May 23, 2013, Susan Thomas filed an intent to sell with Marlboro's administrative agent, CME Associates; and

WHEREAS, Susan Thomas proposes to sell the Property to a Victoria Bucco whom CME Associates has certified as an eligible applicant for affordable housing; and

WHEREAS, as a condition of the proposed transfer of ownership from Thomas to Bucco the buyer's title company requires a discharge of the Mortgage; and

WHEREAS, the parties have proposed a closing date of October 14, 2013, and as a consequence they request that the foregoing Mortgage be discharged as part and parcel of the anticipated closing; and

WHEREAS, the parties now ask that the Township of Marlboro discharge and release the Mortgage; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release of the Mortgage for the reasons sets forth herein and because of the change in ownership from Susan Thomas to Victoria Bucco;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge for the Mortgage which hereby releases and discharges the Mortgage;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the Mortgage that said discharge will be recorded in the Monmouth County Clerk's Office;

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

- a. Township Business Administrator, Jon Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Township Attorney, DeCotiis, Fitzpatrick & Cole, LLP;
- d. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

At 8:37PM, Councilwoman Mazzola moved that the meeting be adjourned. This was seconded by Council Vice President Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: November 14, 2013

OFFERED BY: Metzger

AYES: 5

SECONDED BY: Marder

NAYS: 0

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ALIDA MANCO,  
MUNICIPAL CLERK

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FRANK LaROCCA,  
COUNCIL PRESIDENT