

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 4, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on September 4, 2014 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regular 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 6, 2014; 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, and Council President Metzger. Councilman Cantor and Council Vice President Mazzola were absent.

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

Councilwoman Marder moved that the minutes of August 14, 2014 be approved. This was seconded by Councilman LaRocca and was passed on a roll call vote of 2 - 0 in favor with Councilman LaRocca abstaining. (Absent: Cantor, Mazzola)

Councilman LaRocca moved that Resolution #2014-272/Ordinance #2014-20 (Providing for Lease Purchase Finance and Acquisition of Police Cars) be tabled to the Sept. 18<sup>th</sup> meeting. This was seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor of tabling (Absent: Cantor, Mazzola).

Council President Metzger opened the Public Hearing on Resolution #2014-298/Ordinance #2014-22 (Amending Ordinance Appropriating Additional \$720,000 from Affordable Housing Trust Fund for Improvements to Hamilton Park Septic System). After the public hearing was held and closed, the following Resolution #2014-298/Ordinance #2014-22 (Amending Ordinance Appropriating Additional \$720,000 from Affordable Housing Trust Fund for Improvements to Hamilton Park Septic System) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2014-298

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

ORDINANCE # 2014-22

AN ORDINANCE APPROPRIATING AN ADDITIONAL \$720,000.00 FROM THE AFFORDABLE HOUSING TRUST FUND FOR THE REBUILDING AND REPLACEMENT OF LEACH FIELDS AT HAMILTON PARK

which was introduced on August 14, 2014, public hearing held on September 4, 2014, be adopted on second and final reading this 4th day of September, 2014.

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

The following Resolution #2014-299/Ordinance #2014-23 (Authorizing Acceptance of Deed Restriction by Camelot at Marlboro for Lukas Blvd - B 132, L. 18.01 as Affordability Control) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger and passed on a roll call vote of 2 - 0 in favor with Councilman LaRocca abstaining (Absent: Cantor, Mazzola).

RESOLUTION # 2014-299

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

ORDINANCE # 2014-23

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DEED RESTRICTION BY CAMELOT AT MARLBORO URBAN RENEWAL LLC. FOR THE PROPERTY LOCATED

LUKAS BLVD. ALSO KNOWN AS BLOCK 132, LOT 18.01 ON THE OFFICIAL TAX  
MAP OF THE TOWNSHIP OF MARLBORO AS AN AFFORDABILITY CONTROL

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 18~~ October 2, 2014 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 # 2014-23

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DEED RESTRICTION BY  
CAMELOT AT MARLBORO URBAN RENEWAL LLC. FOR THE PROPERTY LOCATED  
LUKAS BLVD. ALSO KNOWN AS BLOCK 132, LOT 18.01 ON THE OFFICIAL TAX  
MAP OF THE TOWNSHIP OF MARLBORO AS AN AFFORDABILITY CONTROL

WHEREAS, the Township Council of the Township of Marlboro  
adopted an Ordinance approving and adopting the Entron Industries  
Redevelopment Plan (the "Redevelopment Plan") in accordance with the  
Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as  
amended and supplemented (the "Redevelopment Law"); and

WHEREAS, the Redevelopment Plan related to certain properties  
within the Township of Marlboro, specifically, Block 132, Lot 18.01  
on the Official Tax Map of the Township of Marlboro also known as  
418 Route 79, Marlboro, New Jersey (collectively the "Redevelopment  
Area"); and

WHEREAS, as part of the approvals for the subject property and  
in accordance with the Redevelopment Plan, fifty (50) of the two  
hundred and fifty (250) units to be developed on the site were to be  
dedicated to affordable housing purposes; and

WHEREAS, deed restrictions are an authorized method of ensuring  
affordability controls; and

WHEREAS, Camelot at Marlboro Urban Renewal, LLC has provided a  
deed restriction for the property located on Lukas Boulevard also  
known as Block 132, Lot 18.01 on the official tax map of the  
Township of Marlboro to assure that the affordability controls are  
enforced pursuant to the Redevelopment Plan, the Redevelopment  
Agreement, and the approvals granted for the subject property; and

WHEREAS, in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township of Marlboro has the power and authority to accept the proposed deed restriction by Camelot at Marlboro Urban Renewal, LLC for the property located at Lukas Boulevard, also known as Block 132, Lot 18.01 as an affordability control.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey that:

1. The Deed Restriction as an affordability control proposed by Camelot at Marlboro Urban Renewal, LLC for the property located on Lukas Boulevard, and also known as Block 132, Lot 18.01 on the official tax map of the Township of Marlboro is hereby authorized.

2. The Mayor and the Township Clerk are hereby authorized and directed to execute the Deed Restriction as an affordability control proposed by Camelot at Marlboro Urban Renewal, LLC and any other documents which may be required to effectuate the affordability controls for this 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 valid 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 #2014-300 (Renewal Liquor License - Modern Star LLC) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2014-300

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor License be and it is

hereby renewed for the period beginning July 1, 2014 through June 30, 2015.

Modern Star LLC

1328 33 020 001

The following Resolution #2014-301 (Authorizing Reappointment of Tax Assessor) was introduced by reference, offered by Councilman LaRocca, seconded by Council President Metzger and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2014-301

A RESOLUTION CONFIRMING THE MAYOR'S  
APPOINTMENT OF RENEE FROTTON AS TAX ASSESSOR  
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Mayor Jonathan L. Hornik appointed Renee Frotton to fill the unexpired term of the former Tax Assessor for the Township of Marlboro which ended on June 30, 2014; and

WHEREAS, the Township of Marlboro is in need of a Tax Assessor for a new term beginning July 1, 2014; and

WHEREAS, Mayor Jonathan L. Hornik has appointed Renee Frotton as the Tax Assessor for the Township of Marlboro; and

WHEREAS, Renee Frotton is licensed and qualified to perform the services as Tax Assessor in accordance with the Township Code and State law; and

WHEREAS, pursuant to law, the appointment of Renee Frotton as Tax Assessor of the Township of Marlboro is subject to the advice and consent of the Township Council; and

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

1. The aforesaid recitals are incorporated herein by reference as if set forth at length.

2. The Township Council of the Township of Marlboro hereby confirms and gives its advice and consent to the appointment of Renee Frotton as the Tax Assessor for the Township of Marlboro for a term beginning on July 1, 2014; and

3. A certified copy of this resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Chief Financial Officer

The following Resolution #2014-302 (Authorizing Sale of Plenary Retail Distribution License) was introduced by reference, offered by Councilwoman Marder, seconded by Council President Metzger and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2014-302

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE OF ONE (1) ADDITIONAL PLENARY RETAIL DISTRIBUTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail distribution licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2010 federal census counts, the Township of Marlboro has a population of 40,191; and

WHEREAS, in light of such census information, the Township of Marlboro is permitted to issue up to four (4) plenary retail distribution licenses, and three (3) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail distribution license and the advertisement for the receipt of sealed bids therefor as set forth hereinbelow.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey, that the issuance of one (1) plenary retail distribution license and the advertisement for the receipt of sealed bid(s) therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*; and

BE IT FURTHER RESOLVED, that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid plenary retail distribution license.

BE IT FURTHER RESOLVED, that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a plenary retail distribution license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:00 AM on October 21, 2014, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,220.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a plenary retail distribution license in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$77,500 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail distribution license is \$775,000. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 10:00 AM on October 21, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

- (a) "2014 Liquor Distribution License bid"; and
- (b) Name of the Bidder.

5. At 3:00 P.M. on October 21, 2014, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders at 10:00 AM on October 23, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

- (a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" by April 28, 2015. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

- (b) Payment of the State License Application Fee;

- (c) Payment of the annual municipal plenary retail distribution license fee;

- (d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the plenary retail distribution license;

- (e) Receipt of favorable State and/or Federal criminal background checks; and

- (f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township hereby reserves the right to reject all bids when the highest qualified bid is not accepted.

9. The sale of the plenary retail distribution license may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of the Notice of Application.

11. If no new plenary retail distribution license has been issued pursuant to this Resolution by April 28, 2015, no new plenary retail distribution license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail distribution license.

BE IT FURTHER RESOLVED, that notice of the public sale of the plenary retail distribution license shall be in conformance with *N.J.S.A. 33:1-19.4*; and

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2014-303 (Authorizing Sale of Plenary Retail Consumption License) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2014-303

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE  
OF ONE (1) ADDITIONAL PLENARY RETAIL CONSUMPTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the information from the 2010 federal census counts, the Township of Marlboro has a population of 40,191; and

WHEREAS, in light of the census counts, the Township of Marlboro is permitted to issue up to one (1) additional plenary retail consumption licenses; and

WHEREAS, in light of such census information, the Township of Marlboro is permitted to issue up to thirteen (13) plenary retail consumption licenses, and twelve (12) have been issued; and

WHEREAS, the Mayor and Township Council, having considered the same, desire to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption license and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license; and

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act, N.J.S.A. 33:1-19 et seq.*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:30 AM on October 21, 2014, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,500.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution, and that the prospective bidder knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$72,500 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail consumption license is \$725,000. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 10:30 AM on October 21, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

(a) "2014 Liquor Consumption License bid"; and

(b) Name of the Bidder

5. At 3:30 PM on October 21, 2014, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

6. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders at 10:30 AM on October 23, 2014 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

7. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the

highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" on April 29, 2015 . Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

8. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.

9. The sale may be postponed or canceled at any time prior to the opening of the bids.

10. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2.1 et seq.*, including, but not limited to, publication of notice of application.

11. If no new plenary retail consumption license has been issued pursuant to this Resolution by April 29, 2015, no new plenary retail consumption license shall thereafter be issued without a further Resolution of the Township Council determining to issue a new plenary retail consumption license; and

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with *N.J.S.A. 33:1-19.4*.

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

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick & Cole, LLP

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, Mazzola): Res. #2014-304 (Authorizing Application for DDEF Grant Funding 2014), Res. #2014-305, (Authorizing Auction of Surplus Property), Res. #2014-306 (Authorizing Award of Bid - Road Materials), Res. #2014-307 (Authorizing Award of Bid - Electrical Repair Work), Res. #2014-308 (Authorizing Award of Bid - Backhoe (2014 Capital 120-8)), Res. #2014-309 (Authorizing One Year Contract Renewal - Snow Removal Services), Res. #2014-310 (Authorizing Award of State Contracts - Police Vehicles - 6 Dodge Chargers (2014 Capital 106-3, 3.1)), Res. #2014-311(Authorizing Award of State Contract - Interceptor Utility - Police Patrol (2014 Capital (106-3, 4, 4.1)), Res. #2014-312 (Authorizing Award of State Contract - Dodge Ram Pickup - Police (2014 Capital 106-3, 4, 4.1)), Res. #2014-313 (Authorizing Award of State Contracts - Police Vehicle Equipment (2014 Capital 106-3, 3.1, 4, 4.1)), Res. #2014-314 (Authorizing Budget Amendment Chapter 159 - 2014 Bulletproof Vest Partnership Grant), Res. #2014-315 (Authorizing Transfer and Acceptance of Military Surplus Equipment under US Dept of Defense (DoD) 1033 Program), Res. #2014-316 (Authorizing Application to Monmouth County for Open Space Trust Funds), Res. #2014-317 (Cancel Taxes - Block 120, Lot 24), Res. #2014-318 (Cancel Taxes - Block 171, Lot 50), Res. #2014-319 (Cancel Taxes - Block 267, Lot 41), Res. #2014-320 (Cancel Taxes - Block 267, Lot 42), Res. #2014-321 (Redemption Tax Sale Certs - Various), Res. #2014-322 (Disabled Veteran Exemption - B. 380, L. 45), Res. #2014-323 (Disabled Veteran Exemption - B. 331, L. 23), Res. #2014-324 (Tax Court Judgment - B 269, L 4.02 - Year 2011), Res. #2014-325 (Tax Court Judgment - B 269, L 4.02 - Year 2012), Res. #2014-326 (Tax Court Judgment - B 269, L 4.02 - Year 2013), Res. #2014-327 (Tax Court Judgment - B 180, L 47 - Year 2012), Res. #2014-328 (Tax Court Judgment - B 180, L 47 - Year 2013), Res. #2014-329 (Tax Court Judgment - B 270, L 14 - Year 2012), Res. #2014-330 (Tax Court

Judgment - B 270, L 14 - Year 2013), Res. #2014-331 (Tax Court Judgment - B 288, L 371 - Year 2012), Res. #2014-332 (Tax Court Judgment - B 288, L 371 - Year 2013), Res. #2014-333 (Cancelling Uncollectible Taxes) and Res. #2014-334 (Mortgage Subordination - 24 Damascus Drive).

RESOLUTION # 2014-304

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, \$12,529.32 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 # 2014-305

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS MUNICIPAL  
PERSONAL PROPERTY NOT NEEDED FOR PUBLIC  
USE BY PUBLIC ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, a municipality may, by resolution, authorize the sale of its personal property not needed for public use; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has issued Local Finance Notice 2008-9 ("LFN-2008-9") which permits a municipality to sell its personal property not needed for public use on-line; and

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of a on-line public auction for the sale of such municipal personal property not needed for public use; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro deem that it is in the best interests of the Township of Marlboro to sell the Township's personal property not needed for public use using the on-line auction process set forth in LFN-2008-9; and

WHEREAS, govdeals.com is one of the internet based vendors approved by the DCA to carry out on-line auctions of municipal property not needed for public use.

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:

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated August 27, 2014 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and

3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:
  - a. An announcement of the auction and that the item(s) shall be sold on-line;
  - b. the internet address for the sale being advertised;
  - c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required in the newspaper advertisement; and
  - d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

7. Pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the advertisement.

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

- a. govdeals.com
- b. Township Administrator
- c. Chief Financial Officer
- d. Division of Local Government Services,  
Department of Community Affairs

RESOLUTION # 2014-306

A RESOLUTION AWARDING CONTRACT TO TRAP ROCK INDUSTRIES, INC. AND STAVOLA CONSTRUCTION MATERIALS, INC. FOR ROAD MATERIALS FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ROAD MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS, and on August 12, 2014, 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		Stavola Construction Materials, Inc. 175 Drift Rd., Tinton Falls, NJ 07724	
		Estimated Quantity		Unit Price	Estimated Total	Unit Price	Estimated Total
1	Surface Course (I-5)	5,000	tons	66.00	330,000.00	72.00	360,000.00
2	Base Course (I-2)	1,500	tons	63.00	94,500.00	70.00	105,000.00
3	Tack Coat	300	gals	No bid	0.00	No bid	0.00
4	#4 Clean Stone	500	tons	25.00	12,500.00	23.00	11,500.00
5	3/4" Broken Stone	250	tons	21.00	5,250.00	18.75	4,687.50
6	Dense Graded Aggregate	500	tons	16.00	8,000.00	16.00	8,000.00
7	Recycled Concrete	750	tons	No bid	0.00	16.00	12,000.00
8	Gabion Basket Stone	200	tons	27.00	5,400.00	No bid	0.00
	Total				455,650.00		501,187.50
	Apparent Low Bid				429,900.00		36,187.50

; and

WHEREAS, for the purpose of evaluating the bids the specifications included a time/cost calculation added to Item 1 and Item 2 which are to be picked-up at the plant by the Department of Public Works rather than delivered by the vendor to the Township, as evidenced in the attached spreadsheet; and

WHEREAS, it has been determined that the submissions of Trap Rock Industries, Inc. and Stavola Construction Materials, Inc. are responsive as detailed in an August 15, 2014 memo from the Acting Director of Public Works; and

WHEREAS, it has been determined that Trap Rock Industries, Inc. is the apparent low bidder on items 1, 2, and 8 as detailed in an August 15, 2014 memo from the Acting Director of Public Works; and

WHEREAS, it has been determined that Stavola Construction Materials, Inc. is the apparent low bidder on items 4, 5, 6, and 7 as detailed in a August 15, 2014 memo from the Acting Director of Public Works; and

WHEREAS, the Acting Director of Public Works has recommended award of contract to Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, the apparent low bidder on items 1, 2, and 8 in an amount not to exceed \$429,900.00 and Stavola Construction Materials, Inc., 175 Drift Rd., Tinton Falls, NJ 07724, the apparent low bidder on items 4, 5, 6, and 7 in an amount not to exceed \$36,187.50; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Acting 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 contracts be awarded to Trap Rock Industries, Inc., PO BOX 419 Kingston, NJ 08528, the apparent low bidder on items 1, 2, and 8 in an amount not to exceed \$429,900.00 and Stavola Construction Materials, Inc., 175 Drift Rd., Tinton Falls, NJ 07724, the apparent low bidder on items 4, 5, 6, and 7 in an amount not to exceed \$36,187.50, with an option to renew the contracts 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, contracts with Trap Rock Industries, Inc. and Stavola Construction Materials, 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 for the portion of the contracts estimated for 2014 in the amount of \$70,000.00 have been certified by the Chief Financial Officer in Capital Account 04-215-14-03B-060288.

BE IT FURTHER RESOLVED, funds for the 2015 portion will be certified by the Chief Financial Officer at the time the 2015 Capital Budget is adopted.

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. Stavola Construction Materials, Inc.
- c. Township Business Administrator
- d. Township Acting Director of Public Works
- e. Chief Financial Officer

RESOLUTION # 2014-307

A RESOLUTION AWARDING CONTRACT TO LONGO ELECTRICAL MECHANICAL, INC.  
FOR THE PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF  
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on August 12, 2014, received four (4) bids therefor; and

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

			Mr. ElectriComfort		Electrical Installation and Construction, LLC		Longo Electrical-Mechanical, Inc.		Electro Maintenance, Inc.	
			395 Meadowood Road Jackson, NJ 08527		2275 West County Line Road Suite 6-166 Jackson, NJ 08527		1 Harry Shupe Blvd. Wharton, NJ 07885		5133 West Hurley Pond Road Building #3 Farmingdale, NJ 07727	
Contract	Qty.	Unit	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price	Unit Price	Ext. Price
Contract 1A										
Foreman	90	Hours	75.00	6,750.00	101.50	9,135.00	120.00	10,800.00	No Bid	0.00
Journeyman	50	Hours	50.00	2,500.00	95.00	4,750.00	120.00	6,000.00	No Bid	0.00
3 Yr Apprentice	50	Hours	35.00	1,750.00	65.00	3,250.00	20.00	1,000.00	No Bid	0.00
				<b>11,000.00</b>		<b>17,135.00</b>		<b>17,800.00</b>		<b>0.00</b>
Contract 1B										
Foreman	90	Hours	75.00	6,750.00	150.00	13,500.00	120.00	10,800.00	No Bid	0.00
Journeyman	50	Hours	50.00	2,500.00	150.00	7,500.00	120.00	6,000.00	No Bid	0.00
3 Yr Apprentice	50	Hours	35.00	1,750.00	70.00	3,500.00	20.00	1,000.00	No Bid	0.00
				<b>11,000.00</b>		<b>24,500.00</b>		<b>17,800.00</b>		<b>0.00</b>
CC 1A1B										
Foreman	180	Hours	75.00	13,500.00	No Bid	0.00	120.00	21,600.00	112.00	20,160.00
Journeyman	100	Hours	50.00	5,000.00	No Bid	0.00	120.00	12,000.00	110.00	11,000.00
3 Yr Apprentice	100	Hours	35.00	3,500.00	No Bid	0.00	20.00	2,000.00	85.00	8,500.00
				<b>22,000.00*</b>		<b>0.00</b>		<b>35,600.00</b>		<b>39,660.00</b>

\*Amount adjusted for error in calculation.

\*\*Parts to be billed at the rate of ten percent (10%) above contractor's price.

WHEREAS, the bid was comprised of Contract 1A for Township-owned buildings, parks, stadiums and other facilities excluding water utility plants, water pump stations and other water-related facilities, Contract 1B for water utility plants, water pump stations and other water-related facilities, and Combined Contract CClA/1B consisting of all work included in Contracts 1A and 1B; and

WHEREAS, it has been determined that the apparent lowest bidder for the Combined Contract CClA/1B, Mr. ElectriComfort, failed to submit the required Disclosure of Investments in Iran as required by P.L. 2012, c. 25 making the bid non-responsive; and

WHEREAS, it has been determined that the submission of the next lowest bidder for the Combined Contract CClA/1B, LONGO ELECTRICAL MECHANICAL, INC. is responsive as detailed in an August 15, 2014 memo from the Acting Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Acting 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 LONGO ELECTRICAL MECHANICAL, INC. whose address is 1 Harry Shupe Blvd., PO Box 511, Wharton, NJ 07885 for the PROVISION OF ELECTRICAL REPAIR WORK FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for an open-ended contract at the unit prices specified in the bid proposal for an amount not to exceed \$76,700.00 for labor only. Parts are to be billed separately at the rate of ten percent (10%) above contractor's price. The contract shall begin on September 1, 2014, for a term of one (1) year with an option to renew for an additional one (1) two-year period or two (2) one-year periods on the same terms and conditions as specified in the bid; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, Contracts with LONGO ELECTRICAL MECHANICAL, 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 shall be certified by the Chief Financial Officer prior to services being provided; and

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

- a. LONGO ELECTRICAL MECHANICAL, INC.
- b. Township Business Administrator
- c. Township Acting Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2014-308

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO FOLEY, INCORPORATED FOR THE PROVISION OF ONE (1) NEW AND UNUSED 2014 OR NEWER FOUR WHEEL DRIVE BACKHOE WITH ENCLOSED CAB, EXTENDABLE BACKHOE STICK AND RELATED ATTACHMENTS FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro as part of its 2014 capital program (120-8) authorized the purchase of ONE (1) FOUR WHEEL DRIVE BACKHOE WITH ENCLOSED CAB, EXTENDABLE BACKHOE STICK AND RELATED ATTACHMENTS; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for THE PROVISION OF ONE (1) FOUR WHEEL DRIVE BACKHOE WITH ENCLOSED CAB, EXTENDABLE BACKHOE STICK AND RELATED ATTACHMENTS, and on August 26, 2014, received two (2) bids, as follows:

		Est. Qty.	Harter Equipment, Inc. 615 State Route 33 Millstone Twp., NJ 08535	Foley, Incorporated 855 Centennial Avenue Piscataway, NJ 08855
Base Bid	Backhoe	1	91,885.00	103,853.00
Ext. Warranty	24 Mo., 2,000 Hour Power Train	1	310.00	202.30
Opt. 1	Model 520 Tink Bucket	1	12,635.00	9,428.40
Opt. 2	Hammer w/ Bits	1	15,050.00	10,683.00
Opt. 3	Hydraulic Thumb	1	5,275.00	5,904.90
Opt. 4	Loader Bucket	1	6,900.00	6,325.20
Opt. 5	Set of Forks	1	3,595.00	3,321.30
Opt. 6	Material Handling Arm	1	3,795.00	3,924.90
Total			139,445.00	142,833.00

; and

WHEREAS, the bid was comprised of a base bid, Extended Warranty, and Options 1 through 6 and

WHEREAS, due to funding constraints, the Township is only in the position to award the base bid, Extended Warranty, Option 1 and Option 2; and

WHEREAS, following a review of the bids, it has been determined that the submission of the lowest bidder, Harter Equipment, Inc., is non-responsive relative to the specifications and bid documents as detailed in an August 15, 2014 memo drafted by the Acting Director of Public Works; and

WHEREAS, the submission of the second lowest bidder, FOLEY, INCORPORATED did not include any exceptions and was determined to be responsive in an August 15, 2014 memo drafted by the Acting Director of Public Works; and

WHEREAS, the Acting 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 Acting 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 \$129,261.60, FOR THE PROVISION OF ONE (1) FOUR WHEEL DRIVE BACKHOE WITH ENCLOSED CAB, EXTENDABLE BACKHOE STICK AND RELATED ATTACHMENTS; 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 \$129,261.60; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$129,261.60 are available for the aforesaid contract in Capital Account 04-215-14-03E-120297; 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 Administrator
- c. Acting Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2014-309

A RESOLUTION AWARDING YEAR 3 OF CONTRACT TO L.J. PESCE, INC.,  
LUCAS CONSTRUCTION GROUP, INC., PREMIUM GROWERS, INC., AND  
TRIPLE C NURSERIES FOR THE SUPPLY OF CONTRACT SNOW REMOVAL  
SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the Supply of Contract Snow Removal Services for the Township of Marlboro Department of Public Works ("services"), and on October 18, 2012 (R. 2012-366) authorized the award of contracts to the lowest responsible bidders as follows:

2012-13	
L.J. Pesce	31,320.00
Lucas Construction Group	56,650.00
Premium Growers	86,486.00
Triple C Nurseries	148,207.90
	322,663.90

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

WHEREAS, on September 12, 2013 (R.2013-284) the Marlboro Township Council authorized the first one year renewal of the contract through September 30, 2014; and

WHEREAS, the Department of Public Works recommends that the Township extend the contracts for an additional year for the period of October 1, 2014 through September 30, 2015 at the 2012 bid unit prices, as follows:

	2014	2015	TOTAL
L.J. Pesce	7,660.00	23,660.00	31,320.00
Lucas Construction Group	13,600.00	43,050.00	56,650.00
Premium Growers	21,008.00	65,478.00	86,486.00
Triple C Nurseries	36,046.20	112,161.70	148,207.90
	78,314.20	244,349.70	322,663.90

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$78,314.20 are available in Account No. 01-201-26-119-288105 for the services estimated for 2014; and

WHEREAS, funds for the 2015 contract amount will be certified by the Chief Financial Officer at the time the 2015 budget is adopted.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that contracts be awarded for

contract snow plowing services for an additional term of one year through September 30, 2015 as follows:

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with L.J. Pesce Inc., PO Box 88, 19 Windswept Rd., Holmdel, NJ 07733, Lucas Construction Group, Inc., 173 Amboy Road, Morganville, NJ 07751 Premium Growers, Inc., 178 Highway 34, Holmdel, NJ 07733; and Triple C Nurseries, PO Box 306, 915 B Holmdel Rd, Holmdel, NJ 07733, 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 a certified copy of this Resolution shall be provided to each of the following:

- a. L.J. Pesce Inc.
- b. Lucas Construction Group, Inc.
- c. Premium Growers, Inc.
- d. Triple C Nurseries
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. Township Acting Director of Public Works

RESOLUTION # 2014-310

A RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) EQUIPPED 2014 DODGE CHARGER POLICE VEHICLES UNDER STATE CONTRACT #A82927 FROM CARMAN DODGE INC. FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Police Department submitted its 2014 capital plan (106-3, 3.1) which included a request for the replacement of police vehicles; and

WHEREAS, on February 6, 2014, the Township Council of the Township of Marlboro approved Resolution #2014-083 which authorized Township officials to secure financing for the purchase of six (6) police vehicles; and

WHEREAS, Carman Dodge, Inc. ("Carman") was awarded State Contract #A82927 for the Dodge Charger Pursuit Vehicle equipped with all options for a price of \$27,075.80, with the exception of the following:

Black & White	1,295.00
80Amp Power Source	175.50
All Wheel Drive	2,105.84
Total Options Not Covered Under State Contract	3,576.34

WHEREAS, while impractical to purchase the above-listed vehicle options separately from the vehicles themselves, the Township solicited pricing on those options not covered under the State Contract, and determined that the prices quoted by Carman Dodge were the lowest and most advantageous; and

WHEREAS, the Township of Marlboro Division of Police wishes to acquire six (6) equipped 2014 Dodge Charger police vehicles from Carman Dodge, Inc. ("Carman") under State Contract #A82927 and inclusive of those items not covered under the State Contract for the total amount of \$183,912.84 pursuant to Carman's quotations (attached); 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase six (6) equipped police vehicles utilized by the Division of Police; and

WHEREAS, funds are available in MCIA Accounts 03-215-11-011-06297 and 03-215-13-011-06297, Capital Account 04-215-11-02M-106297, Current Fund Reserve Account 01-286-55-004 and Current Fund Account 01-201-25-106-297641 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase six (6) 2014 Dodge Charger equipped police

vehicles from Carman Dodge, Inc., 196 S. DuPont Hwy., New Castle, DE 19720 under State Contract #A82927 for the amount of \$183,912.84 pursuant to Carman's quotation (attached); and

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

- a. Carman Dodge, Inc., 196 S. DuPont Hwy., New Castle, DE 19720
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer

RESOLUTION # 2014-311

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #82925 TO CHAS S. WINNER INC. DBA WINNER FORD FOR THE PURCHASE OF ONE (1) REPLACEMENT 2014 FORD POLICE INTERCEPTOR UTILITY AWD FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2014 capital program (106-3, 4, 4.1) proposed to utilize the balance of 2007 Monmouth County Improvement Authority (MCIA) funding, 2011 capital funding and existing insurance reimbursement proceeds towards the replacement of a 2010 Chevy Tahoe as a first line response vehicle currently assigned to the Patrol Bureau of the Division of Police (ID 1004); and

WHEREAS, the Division of Police has recommended that the Township purchase a 2014 Ford Police Interceptor Utility AWD from CHAS S. WINNER INC. DBA WINNER FORD, 2374 Marlton Pike West, Cherry Hill, NJ 08002 under State Contract #82925 in an amount not to exceed \$33,889.00; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Division of Police to obtain said vehicle from CHAS S. WINNER INC. DBA WINNER FORD, and

WHEREAS, funds are available in MCIA Accounts 03-215-11-011-06297 and 03-215-13-011-06297, Capital Account 04-215-11-02M-106297

and Current Fund Reserve Account 01-286-55-004 for an amount not to exceed \$33,889.00 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 ONE (1) 2014 Police Interceptor Utility AWD.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase 2014 Ford Police Interceptor Utility AWD from CHAS S. WINNER INC. DBA WINNER FORD, 2374 Marlton Pike West, Cherry Hill, NJ 08002 under State Contract #82925 in an amount not to exceed \$33,889.00; and

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

- a. CHAS S. WINNER INC. DBA WINNER FORD
- b. Township Administration
- c. Township Division of Police
- d. Township Chief Financial Officer

RESOLUTION # 2014-312

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #85438 TO  
HERTRICH FLEET SERVICES, INC. FOR THE PURCHASE OF ONE (1)  
REPLACEMENT 2014 DODGE RAM 1500 4WD CREW CAB PICK-UP TRUCK  
FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro as part of its 2014 capital program (106-3, 4, 4.1) proposed to utilize the balance of 2007 Monmouth County Improvement Authority (MCIA) funding, 2011 capital funding and existing insurance reimbursement proceeds towards the replacement of a 2003 Ford Expedition assigned to the Traffic Bureau of the Division of Police (ID 0305); and

WHEREAS, the Division of Police has recommended that the Township purchase a 2014 DODGE RAM 1500 4WD CREW CAB PICK-UP TRUCK from HERTRICH FLEET SERVICES, INC., 1427 Bay Road, Milford, Delaware 19963 under State Contract #85438 in an amount not to exceed \$26,996.00; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Division of Police to obtain said vehicle from HERTRICH FLEET SERVICES, INC.; and

WHEREAS, funds are available in MCIA Accounts 03-215-11-011-06297 and 03-215-13-011-06297, Capital Account 04-215-11-02M-106297 and Current Fund Reserve Account 01-286-55-004 for an amount not to exceed \$26,996.00 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 ONE (1) REPLACEMENT 2014 DODGE RAM 1500 4WD CREW CAB PICK-UP TRUCK.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) REPLACEMENT 2014 DODGE RAM 1500 4WD CREW CAB PICK-UP TRUCK from HERTRICH FLEET SERVICES, INC., 1427 Bay Road, Milford, Delaware 19963 under State Contract #85438 in an amount not to exceed \$26,996.00; and

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

- a. HERTRICH FLEET SERVICES, INC.
- b. Township Administration
- c. Township Division of Police
- d. Township Chief Financial Officer

RESOLUTION # 2014-313

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACTS #81336  
AND #81327 FOR EMERGENCY ACCESSORIES & INSTALLATION  
FOR THE PURCHASE OF REPLACEMENT POLICE VEHICLES FOR  
THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Police Department submitted its 2014 capital plan (106-3, 3.1, 4, 4.1) which included a request for the replacement of fully equipped police vehicles, including six (6) police patrol sedans and two (2) SUV type vehicles in the Patrol and Traffic Bureaus; and

WHEREAS, the Township of Marlboro Division of Police is in need of accessories and equipment for the replacement police vehicles; and

WHEREAS, the Marlboro Police Department has recommended that the Township purchase said vehicle accessories and equipment from Emergency Accessories & Installation, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034 under State Contracts #81336 and #81327 in accordance with the three (3) separate price quotes provided (attached) in an amount not to exceed \$40,042.32; 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, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey for the Police Department to obtain said vehicle accessories and equipment from Emergency Accessories & Installation; and

WHEREAS, funds are available in Capital Account 04-215-14-03C-106297 for an amount not to exceed \$40,042.32 and have been certified to by the Chief Financial Officer of the Township of Marlboro in accordance with the quotations provided (attached); and

WHEREAS, the Township Council desires to approve the purchase of said vehicle accessories and equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase said vehicle accessories and equipment from Emergency Accessories & Installation, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034 under \$40,042.32; and

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

- a. Emergency Accessories & Installation
- b. Township Administration
- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2014-314

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 2014 in the sum of \$18,454.72, which has been received by the municipality for the "FY2014 Bulletproof Vest Partnership (BVP)" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$18,454.72 be hereby appropriated under the caption "FY2014 Bulletproof Vest Partnership (BVP)" Grant.

RESOLUTION # 2014-315

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE (DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Municipal Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township through the Division of

Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

RESOLUTION # 2014-316

A RESOLUTION AUTHORIZING APPLICATION TO THE  
COUNTY OF MONMOUTH FOR OPEN SPACE TRUST FUNDS

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to construct tennis courts on the property known as the Nolan Road Park, located at Lloyd and Nolan Roads within the Township of Marlboro (Block 127, Lot 11); and

WHEREAS, the total cost of the project including all matching funds is \$590,000.00; and

WHEREAS, the Township of Marlboro is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO THAT:

1. The Mayor is hereby authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Mayor Jonathan Hornik is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

RESOLUTION # 2014-317

WHEREAS, there are taxes for the year 2014 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 120 Lot 24, located on 66 Tennent Road,

WHEREAS, the aforementioned property is owned by the Township of Marlboro-Little League, and the Township Tax Collector has therefore recommended that taxes in the amount of \$254.38 be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2014 taxes totaling \$254.38 as stated above.

RESOLUTION # 2014-318

WHEREAS, there are taxes for the year 2014 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 171 Lot 50, located on 60 Harbor Road,

WHEREAS, the aforementioned property was purchased by Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$2,313.01 be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2014 taxes totaling \$2,313.01 as stated above.

RESOLUTION # 2014-319

WHEREAS, there are taxes for the year 2014 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 267 Lot 41, located on 399 Tennent Road,

WHEREAS, the aforementioned property was purchased by Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$3,528.08 be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2014 taxes totaling \$3,528.08 as stated above.

RESOLUTION # 2014-320

WHEREAS, there are taxes for the year 2014 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 267 Lot 42, located on 403 Tennent Road,

WHEREAS, the aforementioned property was purchased by Township of Marlboro, and the Township Tax Collector has therefore recommended that taxes in the amount of \$2,011.49 be cancelled being Township of Marlboro is tax exempt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the balance of the 2014 taxes totaling \$2,011.49 as stated above.

RESOLUTION # 2014-321

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$22,800.10 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 \$22,800.10 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>
2013-114	360/25.16	Bulwark Systems	777.09
14 Livingston Court		22 Emily Road Manalapan, NJ 07726 Assessed Owner: Van Auken Eric & Fourteen Livingston	
2012-014	111/32	Singh Real Estate	19,114.14
158 Greenwood Road		525 Route 73 North Suite 212 Marlton, NJ 08053 Assessed Owner: Mackey, Clinton & Catherine	
2013-128	402/13	Bulwark Systems	763.09
4 Cannonade Drive		22 Emily Road Manalapan, NJ 07726 Assessed Owner: Rosenblum, Caryn M. & Howard	
2013-103	301/36	US BANK C/F NJ Boardwalk, LLC	2,145.78
30 Duncan Drive		LB#005191 P.O. Box 645191 Cincinnati, OH 45264	
		TOTAL:	22,800.10

RESOLUTION # 2014-322

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Altschul, Adrian & Lyla, Block 380 Lot 45, located at 1 Peasley Drive,

WHEREAS, taxes were billed for 2014 in the amount of \$6,161.57, and

WHEREAS, this exemption became effective December 1, 2013 and

WHEREAS, taxes for 2014 need to be cancelled in the amount of \$6,161.57,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the 2014 taxes of \$6,161.57.

RESOLUTION # 2014-323

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Finkler, Ira & Cheryl, Block 331 Lot 23, located at 37 South Foxcroft Drive,

WHEREAS, taxes were billed for 2014 in the amount of \$10,720.98, and

WHEREAS, this exemption became effective January 1 2014 and

WHEREAS, taxes for 2014 need to be cancelled in the amount of \$10,720.98,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to cancel the 2014 taxes of \$10,720.98.

RESOLUTION # 2014-324

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$7,009.63 for the year 2011 for Block 269 Lot 4.02, located at 450 Union Hill Road assessed to Jamison Realty Co. C/O Garden Homes,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$7,009.63

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$7,009.63, to The Shops at Cambridge Square, LLC C/O Lasser Hochman, L.L.C.

RESOLUTION # 2014-325

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$7,060.94 for the year 2012 for Block 269 Lot 4.02, located at 450 Union Hill Road assessed to Jamison Realty Co. C/O Garden Homes,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$7,060.94

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$7,060.94, to The Shops at Cambridge Square, LLC C/O Lasser Hochman, L.L.C.

RESOLUTION # 2014-326

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$7,361.99 for the year 2013 for Block 269 Lot 4.02, located at 450 Union Hill Road assessed to Jamison Realty Co. C/O Garden Homes,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$7,361.99

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$7,361.99, to The Shops at Cambridge Square, LLC C/O Lasser Hochman, L.L.C.

RESOLUTION # 2014-327

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,064.00 for the year 2012 for Block 180 Lot 47, located at 35 Eric Court assessed to Markel, Stephanie,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,064.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,064.00, to Brach Eichler, LLC Markel, Stephanie.

RESOLUTION # 2014-328

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$2,152.00 for the year 2013 for Block 180 Lot 47, located at 35 Eric Court assessed to Markel, Stephanie,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$2,152.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,152.00, to Brach Eichler, LLC Markel, Stephanie.

RESOLUTION # 2014-329

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$14,284.94 for the year 2012 for Block 270 Lot 14, located at 137 Route 9 South assessed to Marlboro Motor Lodge INC,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$14,284.94

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$14,284.94, to Marlboro Motor Lodge Inc C/O Thomas Olson Esq,.

RESOLUTION # 2014-330

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$14,284.94 for the year 2013 for Block 270 Lot 14, located at 137 Route 9 South assessed to Marlboro Motor Lodge INC,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to apply \$12,460.33 to the 2014 taxes and refund the remaining balance of \$2,433.66.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply \$12,460.33 to 2014 and refund the amount of \$2,433.66, to Marlboro Motor Lodge Inc C/O Thomas Olson, Esq.

RESOLUTION # 2014-331

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$7,453.10 for the year 2012 for Block 288 Lot 371, located at 405 Route 9 assessed to Ron Yeh Group, LLC,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$7,453.10

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$7,453.10, to Jacobus & Associates, LLC/ Ron Yeh Group, LLC.

RESOLUTION # 2014-332

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$9,922.87 for the year 2013 for Block 288 Lot 371, located at 405 Route 9 assessed to Ron Yeh Group, LLC,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$9,922.87

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$9,922.87, to Jacobus & Associates, LLC/ Ron Yeh Group, LLC.

RESOLUTION # 2014-333

A RESOLUTION AUTHORIZING THE CANCELLATION OF  
CERTAIN TAXES DETERMINED TO BE UNCOLLECTIBLE -

WHEREAS, the attached list in the amount of \$873.74 known as Schedule "A", is comprised of taxes that remain outstanding and unpaid; and

WHEREAS, these outstanding taxes were for tax years 2014; and

WHEREAS, these parcels are known as a "gore" a lot created in error or a lot where ownership cannot be determined therefore,

WHEREAS, it has been determined that the said outstanding taxes, are uncollectible; and

WHEREAS, the Township Tax Collector has recommended that they be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the taxes relating to these properties, which have been determined to be uncollectible are hereby canceled in the amount of \$873.74.

Schedule "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>CANCELLED AMOUNT</u>
153	56.01	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 778.62
193.13	128	Unknown Owner 1979 Township Dr. Marlboro, NJ 07746	\$ 95.12

Total: \$ 873.74

RESOLUTION # 2014-334

A RESOLUTION BY THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING  
A SUBORDINATION OF A MORTGAGE DATED DECEMBER 15, 2010, ON A  
PROPERTY LOCATED AT 24 DAMASCUS DRIVE, MARLBORO,  
NEW JERSEY 07746, AND OWNED BY ROSE MARIE DILIBERTO

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 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, 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, on or about March 24, 2014, Alfonso G. DiLiberto deeded his interest in the Residence to Rose Marie DiLiberto with said deed being recorded on March 25, 2014, in Deed Book OR-9059, at Page 7709 et seq. ("Homeowner"); and

WHEREAS, the Homeowner now desire to refinance a mortgage given to Wells Fargo Bank, N.A., which is dated August 9, 2013, with said mortgage being recorded on August 22, 2013, in Deed Book OR-9032, at Page 6959 et seq., 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

in order to secure a new loan in the amount of \$224,500.00 ("the New Loan"); and

WHEREAS, Wells Fargo Bank, N.A. and the Homeowner 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. Lynn Franco, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

At 7:45 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, Mazzola).

MINUTES APPROVED:     OCTOBER 2, 2014

OFFERED BY:    MARDER            AYES:        3

SECONDED BY:   MAZZOLA           NAYS:        0

ABSENT:        CANTOR

ABSTAIN:       MAZZOLA

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ALIDA MANCO,  
MUNICIPAL CLERK

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SCOTT METZGER,  
COUNCIL PRESIDENT