

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

July 16, 2009

The Marlboro Township Council held its regularly scheduled meeting on July 16, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice 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 January 2, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President LaRocca, Councilwoman Marder, Councilwoman Tragni and Council President Rosenthal.

Also present were: Mayor Jonathan L. Hornik, Ronald Gordon, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

Councilwoman Tragni moved that the minutes of June 4, 11 & 18, 2009 be approved. This motion was seconded by Council Vice President LaRocca and the minutes were passed on a roll call vote of 3 - 2 with Councilwoman Marder and Councilman Cantor abstaining.

Council President Rosenthal opened the Public Hearing on Ordinance #2009-23 (Revised Flood Hazard Mitigation). As there was no one who wished to speak, the Public Hearing was closed. The following Res. #2009-266/Ord. #2009-23 as amended (Revised

Flood Hazard Mitigation) was introduced by reference, offered by Councilwoman Tragni, and seconded by Council Vice President LaRocca. Ronald Gordon, Esq. explained the Planning Board report. He stated that the changes suggested could not be made as this ordinance is required by the State as is. The only change that could be made was to substitute "construction official" for administrator in all instances, which was agreed upon by Council. The resolution/ordinance as amended was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-266

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

ORDINANCE # 2009-23 (AS AMENDED)

AN ORDINANCE DELETING SECTION 84-37, "FLOOD DAMAGE PREVENTION" OF CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", IN ITS ENTIRETY AND REPLACING SAME WITH A NEW SECTION 84-37, "FLOOD DAMAGE PREVENTION" TO MAKE SAME CONSISTENT WITH THE REQUIREMENTS OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

which was introduced on June 18, 2009, public hearing held July 16, 2009, be adopted on second and final reading this 16th day of July, 2009.

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

The following Res. # 2009-267/Ord. # 2009-24 (Amend Chapter 5 - Affordable Housing) was introduced by reference, offered by Councilwoman Tragni and seconded by Council Vice President LaRocca. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-267

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

ORDINANCE # 2009-24

AN ORDINANCE DELETING CHAPTER 5 ENTITLED "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPLACING SAME WITH A NEW CHAPTER 5 ENTITLED "AFFORDABLE HOUSING" TO ESTABLISH THE RULES AND REGULATIONS THEREOF

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 August 6, 2009 at 8:00 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 # 2009-24

AN ORDINANCE AMENDING ARTICLE I, GENERAL PROVISIONS AND ARTICLE IA, AFFORDABLE HOUSING LIAISON OF CHAPTER 5 ENTITLED "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPLACING SAME WITH A NEW ARTICLE I, GENERAL PROVISIONS, AND A NEW ARTICLE IA, MUNICIPAL HOUSING LIAISON OF CHAPTER 5 ENTITLED "AFFORDABLE HOUSING"

WHEREAS, The Affordable Housing Agency of the Township of Marlboro has recommended that Article I and Article IA of the Chapter 5, be amended and supplement to comply with the provision of P.L. 2008, C. 46 to make reference to provisions relating to very low-income housing; and

WHEREAS, the Affordable Housing Agency has also recommended certain amendments to strengthen the enforcement powers of the Municipal Housing Liaison and to require that condominium associations and/or homeowners' associations provide the Affordable Housing Agency with notice of delinquencies involving affordable housing units in the Township of Marlboro.

NOW THEREFORE BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey, that Article I, General Provisions, and Article IA, Affordable Housing Liaison of Chapter 5 entitled "Affordable Housing," are hereby deleted in their entirety and replaced by a new Article I, General Provisions, and a new Article IA, Municipal Housing Liaison in Chapter 5 entitled "Affordable Housing" hereby created and established as follows:

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Chapter 5, AFFORDABLE HOUSING

ARTICLE I, General Provisions

5-1. Title.

This chapter shall be known and may be cited as the Affordable Housing Ordinance of the Township of Marlboro.

5-2. Purpose.

This chapter is intended to implement Marlboro Township's fair share obligation to provide for very low-, low- and moderate income housing pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter the "Act"), the Uniform Housing Affordability Controls Act (N.J.A.C. 5:80-26.1 et seq.) (hereinafter the "UHAC"), and the substantive and procedural regulations which are implemented from time to time by the Council on Affordable Housing (hereinafter "COAH") (N.J.A.C. 5:96 et seq. and 5:97 et seq.). All words, phrases, and terms used within this chapter shall have the same meaning and usage as set forth in the Act, COAH's regulations, and the UHAC. This chapter provides rules for the establishment and administration of affordability controls on each restricted dwelling unit for which Marlboro Township receives COAH credit. This chapter is also designed to assure that all very low-, low- and moderate income units credited by COAH are in fact occupied

by very low-, low- and moderate income households for an appropriate period of time. Unless provided for elsewhere within this chapter, the provisions set forth herein shall apply to all restricted units within Marlboro Township regardless of the date on which they were created.

5-3 Affordable Housing Agency established.

A. Creation. There is hereby created an Affordable Housing Agency (the "Agency") of the Township of Marlboro.

B. Composition.

(1) The Agency shall consist of five members, and two alternate members, all of whom shall be appointed by the Mayor. No more than two of the membership of the Agency shall be Township officials. All remaining members must be Township residents. However, one appointment shall be reserved for a tenant or owner/occupant of a very low-, low- or moderate-income unit who is not a Township official.

(2) Alternate members shall have all of the powers of regular members when sitting in place of a regular member. Until such time as a very low-, low- or moderate-income owner/occupant or tenant appointment can be made, an alternate member shall function as a regular member.

(3) The Mayor shall designate one regular member to serve as Chairperson and one member to serve as Vice-Chairperson.

(4) Attendance by three regular members or alternate members shall constitute a quorum. Passage of any motion requires an affirmative vote by a majority of the members present.

(5) The initial term of office of the Agency members shall be one, two or three years, to be designated by the Mayor in making the appointment. The terms of office shall thereafter be three years. The appointments shall be made in such a manner so that the terms of approximately one-third (1/3) of the members shall expire each year.

C. Vacancies; removal for cause. The Mayor may remove any member of the Agency for cause. Written charges served upon the member shall be followed by a hearing before the Marlboro Township Council thereon, at which time the member shall be entitled to be heard either in person or by counsel. A vacancy in the Agency occurring other than by expiration of the term shall be filled for the unexpired term in the same manner as an original appointment.

D. Powers and duties. The powers and duties of the Agency shall be as follows:

(1) The Agency shall take any such action as may be necessary and authorized under this chapter to implement the policies and goals of this chapter, along with any applicable provision(s) and/or requirements of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), any procedural or substantive rules promulgated by the New Jersey Council on Affordable Housing (N.J.A.C. 5:96 et seq. and 5:97 et seq.), or any provisions of the Uniform Housing Affordability Controls regulations (N.J.A.C. 5:80-26.1 et seq.), to ensure that housing units designated as very low-, low- or moderate-income units, once constructed, shall remain affordable to and be occupied by very low-, low- or moderate-income households.

(2) To report semiannually to the Mayor and Township Council on the status of very low, low- and moderate-income units, including but not limited to, such things as the Agency's enforcement actions in connection with any matters or units with the Agency's jurisdiction.

(3) To take enforcement action, as authorized by section 5-11 of this chapter, against any person or entity for violation of this chapter, the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.); the Uniform Affordability Controls Act (N.J.A.C. 5:80-26.1 et seq.); and/or the substantive and procedural rules promulgated from time to time by the Council on Affordable Housing (N.J.A.C. 5:96 and 5:97 et seq.)

(4) To ensure compliance and accountability of the administrative agent pursuant to N.J.A.C. 5:80-26.18(a).

(5) To periodically review this chapter to ensure that it is not in conflict with the UHAC.

(6) To provide all reasonable and necessary assistance in support of the administrative agent's efforts to ensure effective compliance with the controls set forth in the UHAC.

(7) To ensure that by no later than June 30 of any given year that an annual mailing is made to all affordable units within the Township which shall request that the owner verify such things, which shall include, but not be limited to, income verification, as well as all the information required in the annual mailing set forth in the UHAC (N.J.A.C. 5:80-26.18(d)(4)) as well as appendices J and K therein.

(8) To implement and adjudicate the provisions of Chapter 91, entitled "Mobile Home Rent Control Law" of the Code of the Township of Marlboro.

(9) To implement and enforce the provisions of section 84-47.1 entitled "MHD-II Mobile Home Park District" of the Code of the Township of Marlboro.

E. Appropriation and accountability.

The Mayor may appoint special counsel, accountants, financial investigators and professional planners required so that the Agency can carry out its duties and responsibilities.

5-4 Administrative agent.

A. The affordability controls set forth in this subchapter shall be administered and enforced by an administrative agent selected by Marlboro Township. The primary responsibility of the administrative agent shall be to ensure that the restricted units under administration are sold or rented, as applicable, only to very low-, low-and moderate-income households.

B. Among the responsibilities of the administrative agent are the following:

(1) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the provisions of N.J.A.C. 5:80-26.15;

(2) Soliciting, scheduling, conducting and following up on interviews with interested households;

(3) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very low-, low-or moderate-income unit;

(4) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(5) Creating and maintaining a referral list of eligible applicant households living in the COAH region and eligible applicant households with members working in the COAH region where the units are located;

(6) Employing a random selection process when referring households for certification to affordable units;

(7) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(8) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions and/or the recorded mortgage and note, as appropriate;

(9) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental;

(10) Instituting and maintaining an effective means of communicating information to very low-, low- and moderate-income households regarding the availability of restricted units for re-sale or re-rental;

(11) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(12) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems;

(13) Notifying the Municipal Housing Liaison of an owner's intent to sell a restricted unit;

(14) Such other responsibilities as may be delegated to it by the Township of Marlboro.

C. The administrative agent shall create and shall publish in plain English, and in such other languages as may be appropriate to serving its client base, a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants set forth in Appendices A, B, C, D and E of the UHAC and the provisions of N.J.A.C. 5:80-26.18; and for releasing restricted units promptly at the conclusion of applicable control periods. The administrative agent shall have

authority to take all actions necessary and appropriate to carrying out its responsibilities hereunder subject to the approval by the Agency and/or governing body for the Township of Marlboro, if required. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth in N.J.A.C. 5:80-26.16.

(1) Such process shall require that an applicant household be notified in writing of the results of its application for certification within 20 days of the administrative agent's determination thereof.

(2) At the discretion of the administrative agent, such process may include either or both an outreach requirement and a face-to-face applicant interview process.

(3) The administrative agent shall establish and maintain a ready database of applicant households as a referral source for certifications to restricted units, and shall establish written procedures to ensure that selection among applicant households be via the database, and in accordance with a uniformly applied random selection process and all applicable State and Federal laws relating to the confidentiality of applicant records.

5-5. Affordability average; bedroom distribution.

A. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units and the remainder may be moderate-income units.

B. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

(1) The combined number of efficiency and one-bedroom units is no greater than 20 percent of the total low-and moderate-income units;

(2) At least 30 percent of all low-and moderate-income units are two bedroom units;

(3) At least 20 percent of all low-and moderate-income units are three bedroom units; and

(4) The remainder, if any, may be allocated at the discretion of the developer.

C. Age-restricted low-and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the number of age-restricted low-and moderate-income units within the affordable development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

D. The maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60 percent of median income. The average rent for low-and moderate-income affordable units shall be no more than 52 percent of median income. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 10 percent of all low-and moderate-income units shall be affordable to households earning no more than 35 percent of median income.

E. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income. Each affordable development must achieve an affordability average of 55 percent for restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

F. Affordable units shall utilize the same type of heating source as market units within the affordable development.

G. The provisions of this section shall not apply to affordable developments financed under UHORP or MONI or to assisted living residences, which shall comply with applicable Agency regulations.

5-6. Expiration of restrictions.

A. Restrictions governing the low- and moderate-income units offered initially for sale shall expire as to a particular low- and moderate-income unit 30 years from the date the certified household takes title to the unit for the particular low- and moderate-income unit to a qualified purchaser.

B. Each restricted rental unit shall remain subject to the requirements of the UHAC for a period of at least 30 years. The affordability control period for the restricted rental units in a development shall commence on the first date that a certified

household occupies a unit and shall terminate only at such time that the municipality opts to release the unit from the requirements of this subchapter pursuant to the UHAC, except that the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80 percent of the applicable median income. If, at that time, a rental household's income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days.

5-7 Foreclosure and first purchase money mortgages.

The affordability controls applicable to any restricted unit within the Township of Marlboro shall remain in place and shall not be released despite the entry and enforcement of any judgment of foreclosure with respect to the restricted ownership unit.

A. Provisions for first purchase money mortgagees.

(1) The terms and restrictions of this chapter shall be subordinate only to the first purchase money mortgage lien on any very low-, low- and moderate-income unit and in no way shall impair the first purchase money mortgagee's ability to exercise the contract remedies available to it in the event of default as such remedies are set forth in the first purchase money mortgage documents for the unit.

(2) So long as the first purchase money mortgage is not sold to the Federal National Mortgage Association or in the secondary mortgage market, the first purchase money mortgagee and/or mortgage servicer shall serve written notice upon the Agency within 10 days after the first purchase money mortgage is three months in arrears and within 10 calendar days of the filing of the complaint seeking foreclosure of the first purchase money mortgage held on a very low-, low- and moderate-income unit.

(3) The obligation of the first purchase money mortgagee and/or servicer to notify the Agency shall cease automatically and immediately upon the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market, unless the rules and regulations are amended so as to not prohibit or exclude placing such obligation, in which case an instrument duly evidencing same must be recorded with the office of the Recorder, Monmouth County, New Jersey, and the Clerk of the Township of Marlboro before any such obligation shall exist.

(4) Provided that the first purchase money mortgagee is obligated to give the Agency the above-mentioned notices, the first purchase money mortgage shall also serve written notice of any proposed foreclosure sale upon the Agency at least 30 days prior to the first scheduled date of such sale.

(5) The first purchase money mortgagee shall serve notice upon the Agency within 30 days of the sale of the first purchase money mortgage to the Federal National Mortgage Association or in the secondary mortgage market.

B. The Township of Marlboro and/or the Agency or any instrumentality designated by the Township shall have the right to purchase any mortgage which is in default at any time prior to the entry of a foreclosure judgment or within the redemption period there-after. Notification of a default and of the institution of a foreclosure action and of a Sheriff's sale shall be served in writing upon the Chairman of the Agency as aforesaid. The Township of Marlboro shall at all times be considered a party defendant and/or shall have the right to intervene in any foreclosure action seeking foreclosure of a first mortgage and/or shall have the right to redeem and acquire the owner's equity of redemption or to acquire the unit from the owner upon such terms and conditions as may be determined by the Agency.

C. In the event of foreclosure, the agency shall attempt to identify a qualified very low-, low- and moderate-income purchaser(s) as the case may be and shall give notice to the foreclosing party, and effort shall be made within the confines of the applicable foreclosure laws to sell the housing unit to qualified very low-, low- and moderate-income households. If such efforts are unsuccessful, the restrictive covenants shall remain in full force and effect. In any case, the Township shall not lose credit for the very low-, low- and moderate- income unit relating to which the foreclosure proceeding took place.

D. Surplus funds. In the event of a foreclosure sale by the holder of the first purchase money mortgage, the owner shall be personally obligated to pay to the agency any surplus funds. For purposes of this subsection, surplus funds shall be the total amount paid to the Sheriff in excess of the greater of the maximum resale price of the unit and the amount required to pay and satisfy the first purchase money mortgage, including the costs of foreclosure plus any second mortgages approved by the Agency. Surplus funds shall also include all payments to any junior creditors out of such surplus funds, even if such were to the exclusion of the owner. The Agency shall be given a first-priority lien, second only to the first purchase money

mortgagee of a unit and any taxes or public assessments by a duly authorized governmental body, equal to the full amount of such surplus funds. This obligation of the owner to pay this full amount of surplus funds to the Agency shall be deemed to be a personal obligation of the owner of record at time of the foreclosure sale, and the Agency shall be empowered to enforce the obligation of the owner in any appropriate court of law or equity as though the same were a personal contractual obligation of the owner. Neither the first purchase money mortgagee nor the purchaser at the foreclosure sale shall be responsible or liable to the Agency for any portion of this excess. The Agency may utilize up to 30% of the surplus funds realized in any one calendar year, but in no event to exceed \$10,000 per calendar year, for the purpose of funding operating expenses of the year, for the purpose of funding operating expenses of the Agency. Other surplus funds shall be used for increasing the opportunities for affordable housing within the Township in accordance with the provisions of this chapter.

E. Owner's equity.

(1) Owner's equity shall be determined to be the difference between the maximum resale price of the unit and the total of the assessments, property taxes and other liens which may have been attached against the unit prior to the foreclosure, provided that such total is less than the maximum resale price.

(2) If there are sums to which the owner is properly entitled, such sums shall be turned over to the owner or placed in an escrow by the Agency for the owner for a maximum period of two years. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Agency.

(3) This provision is subject, however, to applicable laws of the State of New Jersey governing the distribution and payment of proceeds of foreclosure sales.

5-8. Affirmative marketing.

A. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in

which the municipality is located and covers the period of deed restriction.

B. As administrative agent, the agent shall assure the affirmative marketing of affordable units is accomplished.

C. In implementing the affirmative marketing plan, administrative agents shall designate an experienced staff person approved by COAH to provide counseling services to very low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

D. The affirmative marketing plan shall provide the following information:

- (1) The name and address of the project;
- (2) The number of units, including the number of sales and/or rental units;
- (3) The price of sales and/or rental units;
- (4) The name of the sales agent and/or rental manager;
- (5) A description of the random selection method that will be used to select occupants of affordable housing; and
- (6) Disclosure of required application fees.

E. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. The plan shall include the following:

- (1) The names of specific newspapers of general circulation within the housing region;
- (2) The names of specific radio and television stations broadcasting throughout the housing region;
- (3) The names of other publications circulated within the housing region, such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters;
- (4) The names of employers throughout the housing region that will be contacted to post advertisements and distribute flyers regarding available affordable housing;

(5) The names of specific community and regional organizations that will aid in soliciting very low-, low- and moderate-income applicants. Such organizations may include non-profit, religious, governmental, fraternal, civic, and other organizations; and

(6) Other advertising and outreach efforts to groups that are least likely to be reached by commercial media efforts.

F. The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the administrative agent shall undertake all of the following strategies:

(1) Publication of one advertisement in a newspaper;

(2) Broadcast of one advertisement by a radio or television station; and

(3) At least one additional regional marketing strategy using one of the sources listed under E3 through 6 above.

G Such advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been leased or sold. The advertisement shall include at least the following:

(1) The location of the units;

(2) Directions to the housing units;

(3) A range of prices for the housing units;

(4) The size, as measured in bedrooms, of the housing units;

(5) The maximum income permitted to qualify for the housing units;

(6) The location of applications for the housing units;

(7) The business hours when interested households may obtain an application for a housing unit; and

(8) Application fees, if any.

5-9. Responsibilities of developers.

A. The responsibilities of the developer shall include but not be limited to the following:

(1) Submission of information as to financing terms readily available to very low-, low- and moderate-income households for use by the Agency in computing maximum sales prices.

(2) Submission of an affordable housing plan and an affirmative marketing plan to the Agency for approval, and submission of proofs of publication to ensure compliance with said plan.

(3) The marketing of all very low-, low- and moderate-income units in accordance with the requirements of this chapter.

(4) Submission of quarterly reports to the Agency detailing the number of very low-, low- and moderate-income households who have signed leases or purchase agreements, as well as the number who have taken occupancy of lower-income units, including household size, number of bedrooms in the unit, sales price and monthly carrying costs or, in the case of rental units, the monthly rental charges and utilities included.

(5) The developer's responsibilities hereunder shall expire automatically with respect to for-sale of very low-, low- and moderate- income units upon the date upon which the last very low-, low- and moderate-income unit within the particular development is sold by the developer. With respect to the rental of very low-, low- and moderate-income units, the developer's responsibilities shall be assumed by the landlord and shall be performed by the landlord so long as such unit is a rental of a very low-, low- and moderate-income unit and is subject to the restrictions of this chapter.

5-10. Responsibilities of owners.

A. Prior to reselling or renting his or her very low-, low- or moderate-income unit, the owner shall provide written proof to the Agency that the resale or rental has been approved by the authorized state agency.

B. The owner shall only resell or rent his or her very low-, low- or moderate-income unit to a qualified purchaser or renter as determined by the Township's administrative agent.

C. The owner shall be responsible for guaranteeing that the necessary documents are executed and filed at the closing of title or rental of a very low-, low- or moderate-income unit to assure that the unit remains affordable to and occupied by very low-, low- or moderate-income households.

D. In the event that any first mortgagee or other creditor of an owner of a very low-, low- and/or moderate-income unit exercises its contractual or legal remedies available in the event of default or nonpayment by the owner of a very low-, low- and moderate-income unit, the owner shall notify the Agency in writing within 10 days of such exercise by the first mortgagee or creditor and no later than 10 days after service of any summons and complaint.

E. Any owner of a very low-, low- and moderate-income unit shall notify the Agency within 10 days, in writing, of any default in the performance by the owner of any obligation under either the master deed of the condominium association, including the failure to pay any lawful and proper assessment by the condominium association, or any mortgage or other lien against the very low-, low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.

F. The owner shall not permit any lien of any kind, which includes, but is not limited to, any lien imposed by any federal, state or municipal authority, other than a first purchase money mortgage, Agency-approved second mortgage and/or lien of the Agency to attach and remain on the property for more than 60 days.

G. The owner of a very low-, low- and moderate-income unit shall keep the unit in good repair and shall not commit waste thereon.

H. The owner shall pay all taxes and public assessments and assessments by the condominium association levied upon or assessed against the unit, or any part thereof, as and when the same becomes due and before penalties accrue.

I. If a very low-, low- and moderate-income unit is part of a condominium association, the owner, in addition to paying any assessments required to be paid by the master deed of the condominium, shall further fully comply with all of the terms, covenants or conditions of said master deed, as well as fully comply with all terms, conditions and restrictions of this chapter.

J. The owner will pay all charges of any utility authority when the same become due and before penalties accrue.

5-10.5. Responsibilities of condominium or homeowners' associations.

As to any complex, development or property which contains a very low-, low- or moderate-income restricted unit for which a condominium association organized under the Condominium Act (N.J.S.A. 46:8B-1 et seq.), or a homeowners' association has control, management and/or supervision over such affordable unit(s), the condominium or homeowners' association shall provide written notice to the Agency if any owner and/or tenant of an affordable unit (regardless of whether it is very low-, low- or moderate-income qualified) shall become delinquent in the payment of any monthly assessment(s), fee(s) or charge(s) where the delinquency has existed for a period of ninety (90) days. This written notice shall be provided to the Agency regardless of the amount of the assessment(s), fee(s), or charge(s) that are delinquent for a period of ninety (90) days.

5-11. Violations.

A. Any person or entity who violates any term, condition, or requirement of this chapter or violates any term, condition or requirement of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) or violates any term, condition or requirement of the Substantive or Procedural Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:96 and/or 5:97 et seq.) or violates the Uniform Housing Affordability Controls Act or any term, condition or requirement imposed by the New Jersey Housing and Mortgage Finance Agency (N.J.A.C. 5:80-26.1 et seq.) shall be subject to punishment as set forth in this Chapter.

B. Upon the occurrence of a violation of any of the laws or regulations set forth in section 5-11, or the breach of any affordable housing agreement governing the affordable unit, the Township of Marlboro shall have all remedies provided at law or equity, including but not limited to, foreclosure, ejection, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in violation of the regulations, injunctive relief, or, the issuance of a municipal summons to prevent further violation of this ordinance, the Act, the UHAC, the regulations and/or affordable agreement governing the home or unit.

C. After providing written notice of a violation to an owner, developer or tenant of a very low-, low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Township may take the following action(s) against

the owner, developer or tenant for any violation that is not cured for a period of 60 days after service of the written notice:

(1) The Agency may file an action in either the Superior Court or the Municipal Court, as applicable, pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of this chapter, the Act, the UHAC and/or any regulation promulgated by the Council on Affordable Housing. If the owner is found by the court to have violated any provision of this chapter, the Act, the UHAC, and/or any rule promulgated by the Council on Affordable Housing, as applicable, the owner shall be subject to one or more of the following penalties, at the discretion of the court:

(i) A fine of not more than \$1,250 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

(ii) In the case of an owner who has resold his or her very low-, low- or moderate-income unit in violation of the above laws, payment into the Township of Marlboro Affordable Housing Trust Fund of the difference between the unauthorized resale price and the maximum resale price allowed by this chapter;

(iii) In the case of an owner who has rented his or her very low-, low- or moderate-income unit in violation of the above laws, payment into the Township of Marlboro Affordable Housing Trust Fund of the unauthorized rental charge as defined in the UHAC under N.J.A.C. 5:80-26.18(d)(6); or

(iv) In the case of an owner who has rented his or her very low-, low- or moderate-income unit in violation of this chapter payment of the innocent tenant's reasonable relocation costs, as determined by the court.

(2) The Agency may file a court action in the Superior Court seeking a judgment which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the very low-, low- or moderate-income unit.

(i) Such judgment shall be enforceable, at the option of the Agency, by means of an execution sale by the Sheriff, at

which time the very low-, low- or moderate-income unit of the owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Agency, including attorney's fees. The owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

(ii) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the very low-, low- or moderate-income unit. The excess, if any, shall be applied to reimburse the Agency for any and all costs and expenses incurred in connection with either the court action resulting in the judgment or Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Agency in full as aforesaid, the owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the Agency in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Agency for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Agency for such. Failure of the owner to claim such surplus within the two-year period shall automatically result in a forfeiture of such surplus to the Agency. Any interest accrued or earned on such surplus while being held in escrow shall belong to and shall be paid to the Agency, whether such surplus shall be paid to the owner or forfeited to the Agency.

(iii) Foreclosure by the Agency due to violation of this chapter, the Act, the UHAC, and/or the rules promulgated by the Council on Affordable Housing shall not extinguish any affordability controls in effect as to any very low-, low- or moderate income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of this chapter and the Affordable Housing Agreement. The owner determined to be in violation of the provisions of section 5-11 and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(iv) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Agency may acquire

title to the very low-, low- or moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very low-, low- or moderate-income unit could have been sold under the terms of this chapter. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(v) Failure of the very low-, low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the Agency shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Agency, with such offer to purchase being equal to the maximum resale price of the very low-, low- or moderate-income unit as permitted by the terms and provisions of this chapter.

(vi) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of this chapter until such time as title is conveyed from the owner.

(3) In the event of an unlawful rental of a very low-, low- or moderate income unit in violation of this chapter, the Act, the UHAC, and/or any regulation promulgated by COAH, and where the tenant has entered into the tenancy without knowledge of its unlawful nature, the Township, upon request by the tenant, may pursue a rent to equity remedy. Under such a rent to equity program, the tenant, including the immediate family of such tenant, shall be given an opportunity to purchase the unit from the affordable owner, and the affordable owner shall be compelled to sell the unit to the tenant, with the total of all rent paid to the owner being credited to tenant as down payment money paid to the affordable owner. Any person seeking to obtain a unit under a rent to equity program must first be certified as eligible under the provisions of N.J.A.C. 5:80-26.16.

(4) In addition to, and not in the place of the foregoing remedies, the Agency may also issue a summons for each and every violation of the provisions of this chapter which will be enforceable in the Marlboro Township Municipal Court. The persons or entities that may be cited with a violation of this chapter include any condominium association or homeowners' association that has a duty to report pursuant to Section 5-10.5, any unit owner or other person with an interest in an affordable housing unit such as

a lessee or tenant, in any building, premises, home, or unit, where such violation has been committed or shall exist. Any person or entity found to have violated this chapter shall be subject to a fine of not more than \$1,250.00 or imprisonment for a period not to exceed ninety (90) days, or both, at the discretion of the Marlboro Township Municipal Court. Each and every day that such violation continues or exists may be treated by the Municipal Court as a separate and specific violation of these provisions and not as a continuing offense.

5-12. Severability.

If any section, subsection, paragraph, sentence or other part of this article is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this article directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this article or chapter shall remain in full force and effect.

Article I(A), Municipal Housing Liaison.

5-13. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Marlboro Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

5-14. Definitions.

As used in this article, the following terms shall have the meaning indicated:

MUNICIPAL HOUSING LIAISON is the individual charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Marlboro Township.

ADMINISTRATIVE AGENT is the individual or entity responsible for administering the affordability controls of some or all units in the affordable housing program for Marlboro Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to very low-, low-, and moderate-income households.

5-15. Establishment of Municipal Housing Liaison; powers and duties.

A. Establishment of the position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Marlboro Township. Marlboro Township hereby designates the liaison to act between COAH, the Township and any developer or sponsor of affordable housing.

B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program including the following responsibilities:

(1) Serving as Marlboro Township's primary point of contact for all inquiries from the State, affordable housing providers, administrative agent(s), and interested households;

(2) Monitoring the status of all restricted units in the Township's Fair Share Plan;

(3) Compiling, verifying, and submitting annual reports as required by COAH;

(4) Coordinating meetings with affordable housing providers and the administrative agent, as applicable;

(5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH.

C. The following administrative powers and duties are assigned to the Municipal Housing Liaison:

(1) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(2) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

(3) Authority to take all actions necessary and appropriate to carry out his or her responsibilities hereunder.

5-16. Severability.

If any section, subsection, paragraph, sentence or other part of this article is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this article, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this article directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this article or chapter shall remain in full force and effect.

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

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

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

The following Res. #2009-268 (Awarding Contract - Administration for Affordable Housing) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilman Cantor. Discussion followed, during which Special Counsel Ken Biedzynski answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-268

RESOLUTION AUTHORIZING A CONTRACT WITH AN ADMINISTRATIVE
AGENT FOR THE ADMINISTRATION OF AFFORDABLE UNITS

WHEREAS, the Township Council of the Township of Marlboro petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on December 30, 2008; and

WHEREAS, the Township of Marlboro's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:97-1, et. seq.); and

WHEREAS, the Township of Marlboro requires the services of an Administrative Agent, same to be appointed pursuant to a fair and open process pursuant to the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, on March 11, 2009, the Town of Marlboro issued Requests for Proposals for the services of an Administrative Agent, pursuant the aforementioned fair and open process and has received three (3) responses thereto; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified in writing that the value of the contract shall not exceed \$17,500.00;and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer with the Town Clerk in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C: 5:34-5.2; and

WHEREAS, the Local Public Contracts Law, N.J.S.A., 40A:11-1, et seq., as amended, requires that the award of this contract be publicly advertised; and

WHEREAS, Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey submitted a Proposal for such services (the "Proposal") in an amount not to exceed \$5,000.00 for administrative costs and in an amount not to exceed \$1,500.00 for reimbursement of direct and documented postage fees associated with compliance monitoring of existing units and setting forth Unit certification costs which shall be charged to landlords, developers or homeowners shall be in the following amounts:

- (1) Sale: Seven Hundred Fifty Dollars (\$750.00)
- (2) Re-Sale: Seven Hundred Dollars (\$700.00)
- (3) Refinance: Two Hundred Seventy-Five Dollars (\$275.00)
- (4) Rent-Up: Five Hundred Fifty Dollars (\$550.00) per unit
- (5) Re-Rental: Two Hundred Fifty Dollars (250.00); and

WHEREAS, Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey has completed and submitted a Business Entity Disclosure Certification certifying that the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro

Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract; and

WHEREAS, the Township has been provided with the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271; and

WHEREAS, the Mayor and Council of the Township of Marlboro desire to enter into an Agreement with the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of the Township of Marlboro in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.

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, subject to the approval of the New Jersey Council on Affordable Housing, which has been received, the Agreement with the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey, to perform the services of the Administrative Agent for the purpose of administering and enforcing the affordability control and the Affirmative Marketing Plan of the Township of Marlboro, in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:97-1 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq., and in accordance with the provisions of N.J.S.A. 19:44A-20.5 as a fair and open contract, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign such Agreement after approval of same from the New Jersey Council on Affordable Housing, which has been received; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro hereby designates the Monmouth Housing Liaison as the liaison to the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey, subject to the approval of the New Jersey Council on Affordable Housing of the Monmouth Housing Alliance, Inc. d/b/a Affordable Housing

Alliance of New Jersey as the Administrative Agent for affordable housing issues within the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact; and

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

BE IT FURTHER RESOLVED, a copy of this Agreement is hereby attached to the original of this Resolution; and

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

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

- a. New Jersey Council on Affordable Housing
- b. Monmouth Housing Alliance, Inc. d/b/a Affordable Housing Alliance of New Jersey
- c. Marlboro Affordable Housing Agency
- d. Municipal Housing Liaison
- e. Mayor Jonathan Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Res. # 2009-270/Ord. # 2009-26 (Additional Reimbursement Sinkholes) was introduced by reference, offered by Councilwoman Marder and seconded by Councilman Cantor. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor. Council asked that residents in the development be notified after the ordinance is adopted.

RESOLUTION # 2009-270

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

ORDINANCE # 2009-26

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE
2004-23 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES
IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED
IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR
FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT
EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

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 August 6, 2009 at 8:00 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 # 2009-26

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE
2004-23 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES
IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED
IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR
FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT
EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

WHEREAS, pursuant to Ordinance #2004-23 the Township of
Marlboro was authorized to appropriate the amount of \$83,877.53
("Sink Hole Remediation Funds") from the portion of the Township's
Capital Account earmarked as the "Group Construction Account(s)"
(which amount was derived from certain cash bonds with respect to
"Bolling Brook Section 2" and "Bolling Brook Section 3") for the
purpose of providing funds to be used for the investigation and
remediation of sink holes in the respective subdivision lots of
Bolling Brook Section 2 and Bolling Brook Section 3 (each a
"Subdivision Lot") in the manner set forth in Ordinance #2004-23;
and

WHEREAS, the Township of Marlboro desires to amend Ordinance
2004-23 as follows to: (1) establish an increase in the limit of
the amount of Sink Hole Remediation Funds that may be claimed by a
property owner of a Subdivision Lot to \$10,000.00; (2) establish a
termination date for the filing of Initial Claims for Sink Hole
Remediation Funds ("Initial Claim Bar Date"); (3) establish a time
period to process the remaining Initial Claims for Sink Hole
Remediation Funds filed before the Initial Claim Bar Date; (4)
establish a Secondary Claim process in the event that monies remain
in the Sink Hole Remediation Fund after paying all Initial Claims

filed before the Initial Claim Bar Date; (5) establish a termination date for the filing of such Secondary Claims for Sink Hole Remediation Funds ("Secondary Claim Bar Date"); (6) establish a time period to process all Secondary Claims for Sink Hole Remediation Funds filed before the Secondary Claim Bar Date; and (7) establish the method of disposition of any balance of Sink Hole Remediation Funds remaining after the processing and payment of approved claims filed prior to the Secondary Claim Bar Date.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Ordinance 2004-23, be and is hereby amended and supplemented to: (1) establish an increase in the amount of Sink Hole Remediation Funds that may be claimed by a property owner of a Subdivision Lot; 2) establish a termination date for the filing of Initial Claims for Sink Hole Remediation Funds ("Initial Claim Bar Date"); (3) establish a time period to process the remaining Initial Claims for Sink Hole Remediation Funds filed before the Initial Claim Bar Date; (4) establish a Secondary Claim process in the event that monies remain in the Sink Hole Remediation Fund after paying all Initial Claims filed before the Initial Claim Bar Date; (5) establish a termination date for the filing of such Secondary Claims for Sink Hole Remediation Funds ("Secondary Claim Bar Date"); (6) establish a time period to process Secondary Claims for Sink Hole Remediation Funds filed before the Secondary Claim Bar Date; and (7) establish the method of disposition of any balance of Sink Hole Remediation Funds remaining after the processing and payment of approved claims filed prior to the Secondary Claim Bar Date as follows:

Section 2 of Ordinance #2004-23 is amended and supplemented by replacing same with the below noted Section 2:

Section 2. (a) The amount appropriated by Ordinance 2004-23 shall be disbursed by the Chief Financial Officer of the Township to the extent and in the manner provided in this Section 2. As to any residential property located within the Bolling Brook/Country Hills subdivision (each, a "Subdivision Lot"), the property owner of a Subdivision Lot thereof may submit to the Chief Financial Officer an application (in a form acceptable to the Chief Financial Officer) reciting the identity of the property owner of a Subdivision Lot, a description of the applicable Subdivision Lot, and evidence satisfactory to the Chief Financial Officer that (i) one or more sink holes has been discovered on such Subdivision Lot and (ii) such property owner of a Subdivision Lot has expended moneys to investigate and remediate one or more of such sink holes (the "Remediation Cost"), together with evidence satisfactory to the Chief Financial Officer of such expenditure. Up to the limits of

the appropriation provided in Ordinance 2004-23, the Chief Financial Officer shall pay over to each such applicant, on a "first come, first served" basis (as determined by the Chief Financial Officer), an amount equal to the lesser of (x) all Remediation Costs attributable to such Subdivision Lot and (y) \$10,000 for an Initial Claim for reimbursement from the Sink Hole Remediation Fund. No more than one application may be filed as to any Subdivision Lot, and no application may be filed by any person other than a property owner of a Subdivision Lot thereof. Under no circumstances shall more than \$10,000.00 be paid out with respect to any Subdivision Lot for an Initial Claim for reimbursement from the Sink Hole Remediation Fund.

(b) The termination date for the filing of Initial Claims for Sink Hole Remediation Funds in the Subdivision Lots shall be March 15, 2010 and shall be referred to as the "Initial Claim Bar Date". No Initial Claims for such Sink Hole Remediation Funds shall be received or processed after the Initial Claim Bar Date.

(c) After the Initial Claim Bar Date, there shall be a period of six (6) months ending on September 15, 2010 (the "Initial Processing Period") to review and process any Initial Claims for Sink Hole Remediation Funds.

(d) Property owners of Subdivision Lots who made Initial Claims prior to the adoption of Ordinance #2009-26 and who were reimbursed from the Sink Hole Remediation Fund up to the previous claim limitation of \$7,500.00, shall be permitted to request an amendment to their Initial Claim up to the new limit of \$10,000.00 prior to the Initial Claim Bar Date.

(e) If there shall be monies remaining in the Sink Hole Remediation Fund in the amount of \$5,000.00 or more, then Secondary Claims for reimbursement of funds expended to investigate or remediate sink holes over and above the amount of \$10,000.00 previously approved may be filed in the same manner as set forth above with the following additional limitations:

(i) The termination date for the filing of Secondary Claims for Sink Hole Remediation Funds over the amount \$10,000.00 previously approved for the Subdivision Lots shall be March 15, 2011 and shall be referred to as the "Secondary Claim Bar Date". No Secondary Claims for such additional Sink Hole Remediation Funds over the amount previously approved shall be received or processed after the Secondary Claim Bar Date; and

(ii) After the Secondary Claim Bar Date, there shall be a period of six (6) months ending on September 15, 2011 (the "Secondary Processing Period") to review and process any Secondary Claims filed for Sink Hole Remediation Funds over the amount of \$10,000.00 previously approved.

(iii) No Secondary Claims shall be paid until after the Secondary Claim Bar Date to enable the Chief Financial Officer to evaluate the number and value of Secondary Claims against the remaining funds in the Sink Hole Remediation Fund. The Chief Financial Officer shall recommend to the Township Council the full or partial payment of Secondary Claims after assessing whether sufficient funds remain in the Sink Hole Remediation Fund.

(iv) If the remaining funds in the Sink Hole Remediation Fund are not sufficient to pay the full Secondary Claim of each property owner of a Subdivision Lot, then the Chief Financial Officer shall recommend the partial payment of Secondary Claims on a proportional basis to the Township Council prior to the expiration of the Secondary Processing Period.

(e) After the Secondary Processing Period has expired, any balance remaining in the Sink Hole Remediation Fund may be used for general municipal purposes as directed and authorized by the Township Council of the Township of Marlboro and thereafter this Ordinance and Ordinance # 2004-23 shall expire as a process of law.

BE IT FURTHER ORDAINED THAT after passage upon first reading of this Ordinance, the Clerk of the Township is hereby directed to publish the summary of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Clerk is further directed to comply with the all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this Ordinance.

BE IT FURTHER ORDAINED THAT after final adoption of this Ordinance, the Clerk is hereby directed to publish the summary of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

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

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

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

The following Res. # 2009-271 (Contract CME - Prepare Application for 2009 Mon. County Mun. Open Space Grant B. 157 L 34.01) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-271

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING SERVICES IN CONNECTION WITH THE PREPARATION OF THE 2009 MONMOUTH COUNTY MUNICIPAL OPEN SPACE GRANT APPLICATION

WHEREAS, the Township is in the process of acquiring lands for open space purposes known as Block 157, Lot 34.01 on the Official Tax Map of the Township of Marlboro, also known as 88 Conover Road, Marlboro, New Jersey (the "Property"); and

WHEREAS, the Township desires to apply for a 2009 Monmouth County Municipal Open Space Grant to assist in the purchase of the Property (the "Grant"); and

WHEREAS, the Township of Marlboro is in need of professional engineering services to undertake such Grant application (the "Professional Services"); and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the above-described Professional Services for a fee not to exceed \$3,800.00 for such

additional Professional Services as further described and set forth in CME's written proposal dated June 9, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # T-15-56-859-815; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required additional Professional Services in accordance with the Proposal; and

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

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

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an

amount not to exceed \$3,800.00 for such additional Professional Services described in the Proposal; and

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

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

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

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-272 (Participation in Regional Solid Waste Study - SHARE Grant) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-272

LEAD MUNICIPALITY FOR A REGIONAL FEASIBILITY STUDY GRANT

WHEREAS, the Mayor and Township Council of the Township of Marlboro as Lead Municipality and the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Regional Feasibility Grant through the State of new Jersey Local SHARE Program in the amount of \$417,831.00; and,

WHEREAS, Township of Marlboro has agreed to be the lead agency in this endeavor; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, and

WHEREAS, the State of New Jersey has made SHARE grants available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of solid waste and recycling collection services that would be beneficial to all local units. This would include things such as technological advances, different methods of solid waste removal, waste flow analysis and data retrieval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Marlboro, that the Township of Marlboro does hereby join with the Township of Aberdeen, City of Asbury Park, Borough of Atlantic Highlands, Borough of Bradley Beach, Township of Colts Neck, Borough of Eatontown, Borough of Englishtown, Borough of Freehold, Township of Freehold, Township of Hazlet, Borough of Highlands, Township of Holmdel, Borough of Keyport, Borough of Lake Como, Borough of Little Silver, City of Long Branch, Township of Manalapan, Borough of Matawan, Township of Middletown, Borough of Monmouth Beach, Borough of Neptune City, Township of Ocean, Borough of Oceanport, Borough of Roosevelt, Borough of Sea Bright, Borough of Sea Girt, Borough of Shrewsbury, Township of Shrewsbury, Borough of Spring Lake Heights, Borough of Tinton Falls, Borough of Union Beach, and the Township of Wall, in applying for a grant for the purpose of a feasibility study.

The following Res. # 2009-273 (Authorizing Marlboro Alliance to apply for 2010 Grant To Prevent Alcoholism and Drug Abuse) was introduced by reference, offered by Councilwoman Marder and seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-273

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP
ALLIANCE TO PREVENT ALCOHOLISM AND DRUG ABUSE
TO APPLY FOR THE 2010 GRANT

WHEAREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to execute the 2010 Application for Funds and Services on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

The following Res. # 2009-274 (Renewal Liquor License July 1, 2009 - June 30, 2010 - Hituja) was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-274

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and it is hereby renewed for the period beginning July 1, 2009 through June 30, 2010.

Hituja Corp.
T/A Marlboro Buy Rite Liquors

1328 44 001 006

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Res. # 2009-275 (Change Meeting Date Sept. 3 to Sept. 10 and Cancel Sept. 17) was introduced by reference, offered by Council President Rosenthal, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

RESOLUTION # 2009-275

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Council meeting scheduled for September 3, 2009 be changed to September 10, 2009 at the usual time and place, 8 PM, Town Hall, 1979 Township Drive, Marlboro, New Jersey.

BE IT FURTHER RESOLVED that the regularly scheduled Council Meeting of September 17, 2009 is hereby cancelled.

The following Res. # 2009-276 (Purchase Phone System on State Contract) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Tragni. Discussion followed, between Mayor and Council members. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2009-276

A RESOLUTION AUTHORIZING THE PURCHASE OF TELEPHONE EQUIPMENT
FOR USE BY THE TOWNSHIP OF MARLBORO AND THE MARLBORO
TOWNSHIP DIVISION OF POLICE UNDER STATE CONTRACT
A-42295 FROM MITEL BUSINESS INFORMATION SYSTEMS

WHEREAS, the Township of Marlboro and Township of Marlboro Division of Police desire to purchase telephone equipment from MITEL BUSINESS INFORMATION SYSTEMS ("MITEL") under State Contract #A-42295 for the amount of \$31,318.94 pursuant to MITEL'S quote dated June 22, 2009, such amount representing the cost of the telephone equipment only, and excluding labor and installation quotes; 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 provide new and updated telephone equipment to the Township and its Division of Police; and

WHEREAS, funds are available the following Account Number X-04-55-962-902 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 telephone equipment as described hereinabove from MITEL BUSINESS INFORMATION SYSTEMS under State Contract #A-42295 for the amount of \$31,318.94 pursuant to MITEL'S quote dated June 22, 2009, for telephone equipment only, and excluding any labor and installation quotes; and

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

- a. MITEL BUSINESS INFORMATION SYSTEMS
- b. Township Administrator
- c. Township Division of Police
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-277 (Installation of Phone System) was introduced by reference, offered by Council President Rosenthal, and seconded by Council Vice President LaRocca. After discussion, the resolution was passed on a roll call vote of 5 - 0.

RESOLUTION # 2009-277

A RESOLUTION AWARDING A CONTRACT TO EASTERN TELEPHONE & TELECOMMUNICATIONS FOR THE INSTALLATION OF TELEPHONE EQUIPMENT FOR THE TOWNSHIP OF MARLBORO AND THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, pursuant to N.J.S.A. 40A:11-3, when the cost or price of any contract in the aggregate does not exceed in a contract year

the total of sum of \$21,000.00, such contract may be awarded by the governing body of the contracting unit without public advertising for bids therefor; and

WHEREAS, the Township of Marlboro and the Township of Marlboro Division of Police have purchased new telephone equipment ("Telephone Equipment") and require installation services for such Telephone Equipment; and

WHEREAS, the cost for the installation of such Telephone Equipment is \$15,000.00 pursuant to a quote issued by Eastern Telephone & Telecommunications ("ET&T") dated June 29, 2009; and

WHEREAS, the total estimated contract amount is under the bid threshold amount of \$21,000.00; and

WHEREAS, the Township of Marlboro and its Division of Police have reviewed the estimated amount for the installation of the Telephone Equipment and desire that a contract be awarded to ET&T of Bethlehem, Pennsylvania for a total estimated cost not to exceed \$15,000.00; and

WHEREAS, funds are available for this purpose in account No. X-04-55-962-902 and have been certified to by the Chief Financial Officer; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage ET&T of Bethlehem, Pennsylvania for the installation of the Telephone Equipment for a total estimated cost not to exceed \$15,000.00; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Eastern Telephone & Telecommunications ("ET&T") of Bethlehem, Pennsylvania for the installation of telephone equipment for the Township of Marlboro and the Township of Marlboro Division of Police for a total estimated cost not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Eastern Telephone & Telecommunications ("ET&T") of Bethlehem, Pennsylvania for the installation of telephone equipment for the Township of Marlboro and the Township of Marlboro Division of Police for a total estimated cost not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for aforesaid

contract in the amount of \$15,000.00 in Account No. X-04-55-962-902;
and

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

- a. Eastern Telephone & Telecommunications
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief of Police
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-278 (Declaring Items Surplus - GovDeals on
line auction) was introduced by reference, offered by Council Vice
President LaRocca, seconded by Councilwoman Marder and passed on a
roll call vote of 5 - 0.

RESOLUTION # 2009-278

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 July 13, 2009 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, and which states the date, time and place of the public sale, together with a description of the items to be sold and the conditions of 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; and
- d. a statement that bidders must pre-register with the approved 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. Mayor Jonathan Hornik
- c. Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- f. Division of Local Government Services,
Department of Community Affairs

As the consent agenda, the following Resolution was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2009-279 (Refunds for Overpayments - Various), Res. #2009-280 (Redemption Tax Sale Certs. - Various), Res. #2009-281 (Refund for Overpayment B. 214, L. 28.02 QFarm), Res. #2009-282 (Disabled Veteran Exemption B. 176.01 L 1), Res. #2009-283 (Refunds to MTMUA - Various), Res. #2009-284 - Refunds to WMUA - Various, Res. #2009-285 (Refunds Veteran Deductions - Various), Res. #2009-286 (Refund Senior Citizen Deduction B. 412, L. 307 C0023), Res. #2009-287 (Raffle License Knights of Columbus - Off Premise 50/50) and Res. #2009-288 - Extension of Grace Period - Taxes.

RESOLUTION # 2009-279

WHEREAS, the attached list in the amount of \$40,587.65 known as Schedule "A", is comprised of amounts representing overpayments for 2009 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
119.01	12	Chang B. & Sun Nam Kim	\$2,817.02
52 Petra Drive		52 Petra Drive Morganville, NJ 07751	
132	41	First American Real Estate	1,912.87
149 Beacon Hill Rd.		Tax Service Attn: Tax Service 1 First American Way/DFW 1-3 Westlake, TX 76262 Re: Carl Orłowski (Assessed Owner)	
141	14	Craig & Michelle Donner	2,581.47
61 Knob Hill Rd.		61 Knob Hill Road Morganville, NJ 07751	
147	32.04	Neha Pandit & Gautam Gandhi	749.94
7 Jade Dr.		7 Jade Drive Morganville, NJ 07751	
148	2	Tom Glowacka	915.76
148	3	95 Tennent Road	
95 Tennent Rd.		Morganville, NJ 07751	
159	10.07	Satyajit & Sucheta	3,771.87
3 Yorktown Rd.		Bhattacharya 3 Yorktown Road Morganville, NJ 07751	
171.02	33	Allan J. & Mindy Bilinski	1,983.64
223 Tennent Rd.		and Carol Braun 223 Tennent Road Morganville, NJ 07751	
193.02	47	Lee G. & Jill M. Lipton	196.46
103 Briarcliff Dr.		103 Briarcliff Drive Morganville, NJ 07751	
207	22.21	Wei Luo & Wen Tian	1,830.68
24 Osprey Ct.		24 Osprey Court Marlboro, NJ 07746	

214.06	3	Michael L. Gutman, ATA 31 W. Main St., 2 nd Floor P.O. Box 6305 Freehold, NJ 07728 Re: Mazen Shrayef and Roba Haisson (Assessed Owner)	3,232.53
268.07	12	Abubaker & Antoinette Habib 538 Union Hill Rd. 538 Union Hill Road Englishtown, NJ 07726	1,469.65
272	9	Keith & Lorraine Lang 3 Wylie Terr. 3 Wylie Terrace Morganville, NJ 07751	31.54
370	16	Richard & Karen Kress 6 Anvil Ct. 6 Anvil Court Marlboro, NJ 07746	2,293.07
400	27	Anthony & Clavdine 44 Manor Dr. Fattorusso 44 Manor Drive Marlboro, NJ 07746	2,514.30
403	3	Paul & Jennine 27 Cannonade Dr.W. Scirecalabrisotto 27 Cannonade Drive West Marlboro, NJ 07746	2,242.74
412	265	Marlene Alterman 20 Skylark Ct. 20 Skylark Court Marlboro, NJ 07746	1,403.94
412	284	Yosif & Maya Raygorodsky 21 Skylark Ct. 21 Skylark Court Marlboro, NJ 07746	1,457.41
412.01	32	Allen C.T. & Shirley W. 55 Annette Dr. Yuen 55 Annette Drive Marlboro, NJ 07746	2,908.54
412.05	10	Marian & Marina Averbookh 16 Kinglet Ave. 16 Kinglet Avenue Marlboro, NJ 07746	1,355.71

421.03	16	Srinivas & Julie Putcha	4,918.51
3 Blake Dr.		3 Blake Drive	
		Marlboro, NJ 07746	

TOTAL: \$40,587.65

RESOLUTION # 2009-280

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$11,434.30 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 \$11,434.30 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>
09-30	351 5	Isaac Levy	\$9,707.24
21-23	School Road East	14 Heathrow Ct. Marlboro, NJ 07746	
09-48	123 2	James C. Older	1,029.67
3	Tennent Rd.	87 East Mountain Rd. Hillsborough, NJ 08844	
09-61	176.02 51	Stuart Lasher	174.24
61	Enclosure Dr.	P.O. Box 83 Milltown, NJ 08850-0083	
09-93	288 29 C0464	Josef Hoffmann	239.86
464	Bayberry Ct.	326 Shady Lane Trenton, NJ 08619	
09-96	299 58	August Tenth Capital	283.29
39	Gary Dr.	Investments, LLC 75 Princeton Oval Freehold, NJ 07728	

TOTAL: \$11,434.30

RESOLUTION # 2009-281

WHEREAS, the owners of Block 214, Lot 28.02 QFarm have paid the second quarter taxes based upon the preliminary bill and,

WHEREAS, this block and lot no longer appears on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$12.58 to Angelo & Patricia Schiraldo.

RESOLUTION # 2009-282

WHEREAS, the Tax Assessor has granted a %100 disabled veteran exemption for Richard J. Bautista, Block 176.06 Lot 1, located at 4 Bluffs Court,

WHEREAS, this exemption became effective December 22, 2008 and taxes were paid for the first half of 2009, the above-mentioned taxpayer is due a refund of \$5,640.81, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$5,640.81 to the above-mentioned taxpayer and cancel same.

RESOLUTION # 2009-283

WHEREAS, tax sale certificates sold at the 2009 Tax Lien Sale included delinquent water charges in the amount of \$2,969.88 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates was bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$2,969.88 be refunded to the MTMUA.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
106	6	GEORGE & SUSAN GARDNER	173.72
123	2	JOHN WALSH	613.00
148	14	LEONE & LAURA MANCINI	267.14
153	62.05	ARIEL BORNSTEIN & SAMY ABADOU	193.40
	7		
176	C0869	DILSHOD & ELENA SHERMANTOV	215.32
180	45	CINDY WOLKOFF	520.93
192	4	DAFNA GREENSTEIN	174.10
	29		
288	C0234	HENRIETTA MAZZARESE	238.85
	29		
288	C0504	MATTHEW P. II & DONNA DEANE	356.98
		VALDIMIR & SOFIYAE	
314	3	KLIMASHEVSKY	216.44
TOTAL			2,969.88

RESOLUTION # 2009-284

WHEREAS, tax sale certificates sold at the 2009 Tax Lien Sale included delinquent sewer charges in the amount of \$27,523.52 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$27,523.52 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
107	17	GEORGE & SARAH GARDNER	345.07
116	18	PALLAVI BOKKISAM	760.38
119.02	48	DAVID MORIN	628.11
122	2	MELISA FOLGORE	253.95
123	2	JOHN WALSH	355.30
147	32.22	TENNENT ESTATES, LLC	300.90
150	6	SALVATORE BRUNO	386.17
160	45	JOSEPH MARRA	299.32
160	66	ANTHONY SPADOLA	309.39
	7		
173	C0234	ROSEMARY SCHULTZ	284.37

	7		
173	C0386	JASON TUTTLE	377.20
	7		
176	C0428	EMIL AGARINOV	360.10
	7		
176	C0528	KRYSTAL HOOD	201.73
	7		
176	C0589	RAY-HWA ANDREYEV	173.97
	7	ROSA, CHUNG M. & K. SANG	
176	C0719	HAN & O SUN	239.88
	7		
176	C0815	NICOLE VENITO	299.32
	7		
176	C0969	LAURA SOLTESZ	515.35
176.02	51	YANA YEFREMOVA	173.97
	2		
178	C0315	MARTIN CONNELL	506.22
	2		
178	C0379	NICHOLAS PICARELLO	386.17
	2		
178	C0457	JACQUELINE ELMO	154.53
	2		
178	C0565	NELSON ORDONEZ	186.57
	2		
178	C0009	MARINA GENEL	490.75
	2		
178	C0057	VALERIE SANTANGELO	564.75
	290		
178	C0132	BORIS & SVETLANA KAPLAN	139.67
180	51	RUCHI KAPOOR (TRUST)	344.67
184	46	EMMANUEL COFFY	433.50
184	102	DEREK CREEVEY	564.75
192	4	DAFNA GREENSTEIN	215.76
193	19	JULETT BROWN	264.79
193.06	11	ROMAN SHAPOSHNIKOV	173.97
195	6	ELIZABETH EILYUK	528.25
206.01	19	SCOTT TERMINIELLO	137.47
213	14	ZYGMUNT CZARNOWSKI	302.59
213	17	GERALD BROWN	371.17
214.01	30	CATHY & ERIC TRAUB	503.75
214.05	11	MICHAEL ZAMARIN	506.52
214.06	6	DINESH NAIN	175.87
219	3	LORRI HARRISON	402.86
238	2	BRADLEY GROSSMAN	342.75
252	14	STEVEN BECKER	520.93
262	14	MILTON & LORETTA ZAMKOFF	261.42
268	73	GLENN DESSASAU	536.36

271	1	RHONDA SHERMAN	394.50
279	8	MICHAEL MOORE	503.33
		JENNIFER HABER & KEVIN	
286	18	AHEARN	506.93
286	20	VINCENT CIGNA	342.75
	29		
288	C0234	HENRIETTA MAZZARESE	319.58
	29		
288	C0464	MARY JAYNE VESSIO	197.40
	29	RANDALL & ANNE MARIE	
288	C0023	KOLB	304.96
	29	COLNICK, MIRIAM C/O	
288	C0455	ALLAN	613.61
290	7	PAUL KAMRAS	306.17
295	13	RODOLFO GIRONE	293.96
299	58	WILLIAM SILVERMINTZ	236.03
300	79	MARY LEE HALE	568.74
300.01	1	NADIR GILLANI	396.31
304	9	MARTIN MELTZER	514.47
305	61	ROSALIE SHAW	502.87
312	43	RALPH A. FIERRO	342.75
316	12	MIRIELE JOCELYN	342.54
326	11	STEPHANIE PELTZ	503.47
328	5	WILLIAM HERRING	398.09
339	27	EMC MORTGAGE CORPORATION	502.85
351	5	STEVEN LOMANTO	988.03
		JENNIFER & ANGELO	
360	25.11	FREITES	392.10
360	25.16	EGA KYAN, LLC	324.05
374	2	LAWRENCE & SONIA BELL	342.38
392.01	10	MIKHAIL LIPOVETSKY	344.39
395	12	STEVE WOLFSON	381.10
	1		
396	C0053	LANA BEZENYAN	215.76
408	11	DANIELLE DIBENEDETTO	217.40
410	14	DAVID LAGOTTA	257.74
412.03	9	NANCY ZINN	514.77
		SALVATORE & MICHELLE	
412.05	12	CIANCIO	173.97
TOTAL			27,523.52

RESOLUTION # 2009-285

WHEREAS, Veteran deductions totaling \$500.00 have been granted as per the attached Schedule "A" for the year 2009,

WHEREAS, first half of 2009 taxes have been paid in full on the above-referenced block and lots,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund these deductions to the respective taxpayers as per Schedule "A".

<u>SCHEDULE "A"</u>			
<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
193.13	64	White, Frances & Jeffrey S.	\$250.00
200 Scarborough Way		200 Scarborough Way	
		Morganville, NJ 07751	
230	12	Joseph, Harvey & Susan	250.00
8 Ardmore Road		8 Ardmore Road	
		Marlboro, NJ 07746	
			<hr/>
TOTAL:			\$500.00

RESOLUTION # 2009-286

WHEREAS, a Senior Citizen deduction has been granted for the year, 2009, for Kathryn Bryan who resides at 23 Thrasher Court, Marlboro, block 412, lot 307 C0023,

WHEREAS, first half of 2009 taxes have been paid in full on the above-referenced block and lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the deduction to the respective taxpayer.

RESOLUTION # 2009-287

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 16-09 (Off Premise 50/50) be and it is hereby granted to Knights of Columbus Prince of Peace Council #5903, 2 La Satta Ave., Englishtown, NJ 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October 12, 2009 from 3 - 4 PM at the Bella Vista Country Club, 100 School Road East, Marlboro, N.J. 07746.

RESOLUTION # 2009-288

WHEREAS, due to a delay in the 2009 budget process and tardiness in the Township receiving the certification of the tax rates from the County of Monmouth, property tax bills for the upcoming year are again being mailed later than usual,

WHEREAS, New Jersey State Statute provides for a minimum of twenty-five (25) days between the date of mailing and the property tax bill due date,

NOW THEREFORE, the Township Council of the Township of Marlboro hereby authorizes the extension of the grace period from August 10th to August 27th, 2009. Interest calculated on payments received after August 27th will revert back to the date of August 1st.

At 10:00PM, Councilwoman Tragni moved that the meeting be adjourned. This was seconded by Council Vice President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: August 6, 2009

OFFERED BY: Marder

AYES: 4

SECONDED BY:

NAYS: 0

ABSEMT: Tragni

ALIDA MANCO,
MUNICIPAL CLERK

STEVE ROSENTHAL,
COUNCIL PRESIDENT