

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 24, 2008

The Marlboro Township Council held its rescheduled regular meeting on April 24, 2008 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this rescheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on April 4, 2008; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

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

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 March 6, 2008 be approved. This motion was seconded by Councilwoman Marder and the minutes were passed on a roll call vote of 4 - 0 in favor with Council President Cantor abstaining.

Council President Cantor opened the Public Hearing on Ordinance # 2008-9 (Amend Chapter 84 - Signs and Outdoor Advertising Regulations). After the Public Hearing was held and closed, the following Resolution Res. # 2008-142/Ord. # 2008-9 (Amend Chapter 84 - Signs and Outdoor Advertising Regulations) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Councilman LaRocca. After discussion,

the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-142

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

ORDINANCE # 2008-9 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS" SECTION 84-62, "SIGNS AND OUTDOOR ADVERTISING REGULATIONS" TO ESTABLISH AND SET FORTH REGULATIONS ON THE PLACEMENT OF TEMPORARY SIGNS, TEMPORARY POLITICAL SIGNS AND TO ESTABLISH ENFORCEMENT PROCEDURES FOR THE REMOVAL OF PROHIBITED SIGNS

which was introduced on April 3, 2008, public hearing held April 3, 2008 be adopted on second and final reading this 24th day of April, 2008.

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

Council President Cantor opened the Public Hearing on Ordinance # 2008-11 (Increase in Fees for ABC Licenses). After the Public Hearing was held and closed, the following Resolution # 2008-143 /Ord. # 2008-11 (Increase in Fees for ABC Licenses) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-143

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

ORDINANCE # 2008-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42 ALCOHOLIC BEVERAGES", OF THE CODE OF THE TOWNSHIP OF MARLBORO BY AMENDING AND SUPPLEMENTING SECTION 42-3, "LICENSE FEES" TO REFLECT REVISED ANNUAL LICENSE FEES FOR LIQUOR LICENSES

which was introduced on April 3, 2008, public hearing held April 3, 2008 be adopted on second and final

reading this 24th day of April, 2008.

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

Council President Cantor opened the Public Hearing on Ordinance # 2008-12 (Authorizing Exchange of Lands - MTMUA for installation of Solar Energy System). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-144/Ord. # 2008-12 (Authorizing Exchange of Lands - MTMUA For Installation of Solar Energy System) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-144

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

ORDINANCE # 2008-12

AN ORDINANCE AUTHORIZING AN EXCHANGE OF LANDS AND INTERESTS THEREIN BETWEEN THE TOWNSHIP OF MARLBORO AND THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE INSTALLATION OF PHOTOVOLTAIC POWER SYSTEM OR OTHER SOLAR ENERGY SYSTEM OR EQUIPMENT AS PART OF THE CUSTOMER ONSITE RENEWABLE ENERGY PROGRAM - NEW JERSEY CLEAN ENERGY PROGRAM

which was introduced on April 3, 2008, public hearing held April 3, 2008 be adopted on second and final reading this 24th day of April, 2008.

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

Council President Cantor opened the Public Hearing on Ordinance # 2008-13 (Exceed CAP). As there as no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-145/Ord. # 2008-13 (Exceed CAP) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-145

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

ORDINANCE #2008-13

CALENDAR YEAR 2008 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

which was introduced on April 3, 2008, public hearing held April 3, 2008 be adopted on second and final reading this 24th day of April, 2008.

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

Council President Cantor opened the Public Hearing on Resolution Res. # 2008-146/Ord. # 2008-14 (Fully Funded Bond Ordinance - addressing various capital improvements to municipally-owned property). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2008-146/Ord. # 2008-14 (Fully Funded Bond Ordinance - addressing various capital improvements to municipally-owned property) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-146

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

ORDINANCE # 2008-14

AN ORDINANCE APPROPRIATING \$100,000 FROM CAPITAL SURPLUS TO FULLY FUND COSTS ASSOCIATED WITH CAPITAL IMPROVEMENTS TO REAL PROPERTY OWNED BY THE TOWNSHIP OF MARLBORO

which was introduced on April 3, 2008, public hearing held April 3, 2008 be adopted on second and final reading this 24th day of April, 2008.

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

The following Resolution # 2008-147/Ord. # 2008-15 (Amend Chapter 5 - Affordable Housing) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-147

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

ORDINANCE # 2008-15

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

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 May 15, 2008 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 # 2008-15

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

BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 5, "Affordable Housing", is hereby deleted in its entirety and a new Chapter 5 entitled "Affordable Housing" is hereby created and established as follows:

CHAPTER 5
AFFORDABLE HOUSING

Article I, General Provisions

- 5-1 Title
- 5-2 Purpose
- 5-3 Affordable Housing Agency established
- 5-4 Administrative agent
- 5-5 Affordability average; bedroom distribution
- 5-6 Expiration of restrictions
- 5-7 Foreclosure and first purchase money mortgages
- 5-8 Affirmative marketing
- 5-9 Responsibilities of developers
- 5-10 Responsibilities of owners
- 5-11 Violations

Article I(A), Affordable Housing Liaison

- 5-12 Purpose
- 5-13 Definitions
- 5-14 Establishment of Municipal Housing Liaison; powers and duties

Article II, Housing Trust Fund

Article III, Development Fees

GENERAL REFERENCES

- Uniform construction codes -- See Ch. 55.
- Home buyer's protection -- See Ch. 76.
- Land use development and regulations -- See Ch. 84.
- Property maintenance -- See Ch. 113.

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 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. 5:94 et seq. and 5:95 et seq.). All words, phrases, and terms used within this chapter shall have the same meanings and usages as set forth in the Act and the UHAC. This chapter provides rules for the establishment and administration of affordability controls on each restricted dwelling unit for the which Marlboro Township receives COAH credit. This chapter is also designed to assure that all low and moderate income units credited by COAH are in fact occupied by 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 ("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 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 low- or moderate-income owner or renter 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 alternates 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 Town 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 otherwise 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. 5:94 et seq. and 5:95 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 low- or moderate-income units, once constructed, shall remain affordable to and be occupied by low- or moderate-income households.

(2) To report semiannually to the Mayor and Township Council on the status of 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 ' 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. 5:94 and 5:95 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 30th 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 Article III, Section 91-1 et seq., of the Marlboro Township Revised Ordinances relating to mobile home communities and rent control.

(9) To implement and enforce the provisions of Article III, Section 84-47.1(c) of the Marlboro Township Revised Ordinances.

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 low- and moderate-income households.

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 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, 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 low-and moderate-income households regarding the availability of restricted units for resale or 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.

B. 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 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 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.

6. 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.

7. In the event of foreclosure, the agency shall attempt to identify a qualified low- and moderate-income purchaser 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 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 low- and moderate- income unit relating to which the foreclosure proceeding took place.

B. 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.

C. 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 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 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 E(3) 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 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 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 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.

B. The developer's responsibilities hereunder shall expire automatically with respect to for-sale low- and moderate-income units upon the date upon which the last low- and moderate-income unit within the particular development is sold by the developer. With respect to rental 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 low- and moderate-income unit and subject to the restrictions of this chapter.

§ 5-10. Responsibilities of owners.

A. Responsibilities of owners.

B. Prior to reselling or renting his or her 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.

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

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

E. In the event that any first mortgagee or other creditor of an owner of a low- and moderate-income unit exercises its contractual or legal remedies available in the event of default or

nonpayment by the owner of a 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.

F. Any owner of a 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 low- and moderate-income unit, which default is not cured within 60 days of the date upon which the default first occurs.

G. The owner shall not permit any lien, other than the first purchase money mortgage, Agency-approved second mortgages and liens of the Agency to attach and remain on the property for more than 60 days.

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

I. 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 become due and before penalties accrue.

J. If a 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.

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

§ 5-11. Violations.

A. Any person or entity who violates any terms, conditions, or requirements of this chapter, as amended from time to time; violates any of the terms, conditions or requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., as may be amended from time to time; violates any of the terms, conditions or requirements of the Substantive and Procedural Rules of the New Jersey Council on Affordable Housing which appear at N.J.A.C. 5:94 and 5:95 et seq., as amended from time to time; violates the Uniform

Housing Affordability Controls Act or its terms, conditions or requirements as issued by the New Jersey Housing and Mortgage Finance Agency (N.J.A.C. 5:80-26.1 et seq.), as amended from time to time; shall be subject to punishment in accordance with the provisions set forth in this section.

B. Upon the occurrence of a breach of any of the foregoing laws or regulations including 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, ejectment, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupsments 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 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 against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The Agency may file an action in the Superior Court 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, he or she 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 low- or moderate-income unit in violation of the above laws, payment into Township of Marlboro 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 low- or moderate-income unit in violation of the above laws, payment into the Township of Marlboro 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 low- or moderate-income unit in violation of this chapter payment of an 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 the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and 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 low- and moderate-income unit of the violating 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 attorneys' fees. The violating 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 low- and 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 of violation or the 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 violating 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 balance within the two-year period shall automatically result in a forfeiture of such balance to the Agency. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Agency, whether such balance 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 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 this plan 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 low- and 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 low- and 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 low- and 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 low- and 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 low or moderate restricted 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 which may be cited include the unit owner or other persons interested as lessee, tenant or otherwise, 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 90 days, or both, at the discretion of the Marlboro Township Municipal Court before whom a conviction may be had. Each and every day that such violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense. In addition, the Township or the Agency shall have such other remedies as provided by law.

Article I(A), Affordable Housing Liaison

§ 5-12. 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.

§ 5-13. Definitions.

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

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

ADMINISTRATIVE AGENT B The 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 low- and moderate-income households.

§ 5-14. Establishment of Municipal Housing Liaison; powers and duties.

A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Marlboro Township. Marlboro Township hereby designates the [insert position] to act as liaison between COAH, the municipality 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, 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. Administrative powers and duties 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. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

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 Resolution # 2008-148/Ord. # 2008-16 (Amend Chapter 55 - Fees - Commercial Construction) was introduced as amended by reference, offered by Council Vice President Rosenthal and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-148

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

ORDINANCE #2008-16

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3
"FEES" OF CHAPTER 55 "CONSTRUCTION CODES, UNIFORM"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 15, 2008 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 # 2008-16

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 55-3
"FEES" OF CHAPTER 55 "CONSTRUCTION CODES, UNIFORM"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Township Council desires to update the construction permit fees assessed by the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that subsection A of Section 55-3 "Fees" of Chapter 55 "Construction Codes, Uniform" of the Code of the Township of Marlboro be and is hereby amended and supplemented in its entirety in accordance with the fee schedule attachment hereto; and

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.

Council President Cantor motioned to table Resolution # 2008-149 (Bond Release Highland Pointe/Centex Homes) to a future meeting, which was seconded by Councilwoman Marder. Discussion followed,

After discussion, the Resolution was tabled on a roll call vote of 5 - 0 in favor of tabling.

The following Res. # 2008-150 (Bond Release McDonald's Outdoor Patios) was introduced by reference, offered by Council Vice President Rosenthal and, seconded by Councilwoman Tragni and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-150

RESOLUTION AUTHORIZING RELEASE OF CASH PERFORMANCE
GUARANTEE FOR MCDONALD'S SITE PLAN - OUTDOOR PATIOS,
BLOCK 268, LOTS 62 AND 80, MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of the cash Performance Guarantee being held by the Township in connection with site improvements for the McDonald's Site Plan - Outdoor Patios, Block 268, Lots 62 and 80, Marlboro, New Jersey, posted by the franchise owner, Yockey Enterprises, Inc. (hereinafter, "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated April 16, 2008, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends that the current Performance Guarantee in the amount of 11,074.80 which sum has been posted as cash and is being held by the Township, may be released in its entirety subject to Developer: (1) paying all outstanding invoices and inspection fees up to the date of release; and the posting of a two (2) year maintenance guaranty in the amount of \$1,384.35; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid cash Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the cash Performance Guarantee posted in connection with site improvements for McDonald's Site Plan - Outdoor Patios, Block 268, Lots 62 and 80, Marlboro, New Jersey, posted by Developer Yockey Enterprises, Inc. shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the Performance Guarantee is conditioned upon the Developer Yockey Enterprises, Inc.: (1) paying all outstanding invoices and inspection fees up to

the date of release; and the posting of a two (2) year maintenance guaranty in the amount of \$1,384.35; and

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

- a. Yockey Enterprises, Inc.
- b. Mayor Hornik
- c. Township Business Administrator
- d. Township Engineers
- e. Chief Financial Officer
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

Council President Cantor recused himself and left the room. Council Vice President Rosenthal chaired this portion of the meeting.

The following Res. # 2008-126 (Appointment of Township Auditor) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2008-126

A RESOLUTION AUTHORIZING THE APPOINTMENT OF AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH EUGENE M. FARRELL OF THE FIRM OF HUTCHINS, FARRELL, MEYER AND ALLISON TO ACT AS THE INDEPENDENT TOWNSHIP AUDITOR

WHEREAS, the Township requires the services of an auditor to provide the 2008 statutory audit of the Township financial records and to perform the duties and render such services as may from time to time be requested by the Township Council, the Chief Financial Officer or the Township Administrator (collectively referred to hereinafter as the "Audit and Related Services") and solicited proposals therefor on April 9, 2008; and

WHEREAS, such Audit and Related Services are to be performed and rendered by a person or persons licensed and authorized to practice accounting in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township received a proposal dated April 21, 2008 from Hutchins, Farrell, Meyer & Allison, P.A., for Audit and Related

Services which sets forth the terms and conditions under which such services are to be rendered by EUGENE M. FARRELL, who has agreed to serve as Township Auditor, of the firm of Hutchins, Farrell, Meyer & Allison (the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be made available for the purpose addressed in this resolution within the 2008 municipal budget.

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity 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 Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271.

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

1. The Township Council of the Township of Marlboro, hereby authorizes and approves the award of a Professional Services Contract to EUGENE M. FARRELL of the firm of Hutchins, Farrell, Meyer & Allison as independent Township Auditor for Audit and Related Services (as defined hereinabove) pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide the following:

(a) to provide the audit of the 2008 financial statements of the Township consistent with the conditions set forth in Appendix "A" of the April 19, 2008 Request for Proposals and description of

the Scope of Audit found in the April 21, Proposal from the Business Entity for compensation at a flat fee not to exceed Thirty-Five Thousand Five Hundred Dollars (\$35,500.00); and

(b) for the provision of any additional services requested by the Township, compensation shall be paid at hourly rate of:

(1) One Hundred Forty-Five Dollars; (\$145.00) for the services of a Partner;

(2) One Hundred Fifteen Dollars (\$115.00) for the services of a manager;

(3) Ninety Dollars (\$90.00) for the services of a Supervisor;

(4) Seventy-Five Dollars (\$75.00) for the services of Senior staff; and

(5) Sixty-Five Dollars (\$65.00) for the services of staff; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

4. The Chief Financial Officer has certified that sufficient funds will be made available for said contract from Account Number 8-01- - 043-288.

5. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

6. A copy of the Notice of this Resolution shall be published as required by law within ten (10) days of its passage; and

7. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Eugene M. Farrell of Hutchins, Farrell, Meyer & Allison
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-151 (Change Order #2 Extending Contract - Blacktop for Spring Valley and Conover Rd.) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Rosenthal and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-151

A RESOLUTION AUTHORIZING AND APPROVING CHANGE ORDER #2 AMENDING RESOLUTION 2007-217 AND 2007-331 AND EXTENDING THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND TRAP ROCK INDUSTRIES, INC. TO MAINTAIN THEIR 2007 CONTRACT PRICE OF \$43.25 PER TON OF PAVING ASPHALT

WHEREAS, by Resolution #2007-217, the Township of Marlboro authorized the award of contract to Trap Rock Industries, Inc. for the provision of various road materials for the Township of Marlboro Department of Public Works Annual Pavement Plan; and

WHEREAS, by Resolution 2007-331, Change Order #1 requesting \$60,000.00 for additional materials needed for base repairs and top course to various roadways within the Township was approved and authorized, for a total contract amount of \$362,425.00; and

WHEREAS in 2007 the New Jersey Natural Gas Company installed a gas main in the roadway of Spring Valley Road and Conover Road, making temporary trench restoration and blacktop repairs which resulted in a hazard to the health, safety and welfare of the motoring public due to uneven pavement; and

WHEREAS, New Jersey Natural Gas has agreed to supply the equipment and labor and the Township shall provide the asphalt for the permanent repair and paving of the affected areas on Spring Valley Road and Conover Road; and

WHEREAS, approximately 4,000 tons of asphalt shall be required for such repairs; and

WHEREAS, Trap Rock Industries, Inc. has agreed to hold their 2007 contract price of \$43.25 per ton of asphalt for the aforesaid repair project, for a total amount of \$173,000.00; and

WHEREAS, a comparison quote from Stavola Companies set forth a price of \$49.00 per ton, making the Contract Price from Trap Rock Industries, Inc. a better value; and

WHEREAS, in a Memorandum dated April 8, 2008, the Township Director of Public Works has recommended that a Change Order #2 for the additional asphalt needed to repair Spring Valley and Conover Roads be approved.

WHEREAS, the Township Council of the Township of Marlboro has reviewed the Director of Public Works' April 8, 2008 Memorandum and is amenable to approving Change Order #2 in order to repair Spring Valley and Conover Roads to uphold the health, safety and welfare of the motoring public.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Change Order #2 to extend the existing contract with Trap Rock Industries, Inc., awarded by Resolution # 2007-217 and amended by Resolution #2007-331, be further amended to include Change Order #2 for an additional amount of \$173,000.00, representing \$43.25 per ton of asphalt required to make the above-described repairs to Spring Valley and Conover Roads in accordance with the original bid proposal submitted by Trap Rock Industries, Inc. which is on file with the Township and Change Order #2 which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and said Certification of Funds the Marlboro is sufficient to complete the original contract, Change Order #1 and Change Order #2 and said Certification of Funds shall set forth that a total of \$65,000.00 should be charged to Capital Account X-04-55-962-933 and \$108,000.00 should be charged to Capital Account X-04-55-962-905; and

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

- a. Trap Rock Industries, Inc.
- b. Mayor Hornik
- c. Township Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-152 (Mortgage Subordination - B. 219, L. 3) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-152

A RESOLUTION AUTHORIZING THE SUBORDINATION
OF A TOWNSHIP-HELD MORTGAGE RELATING TO PROPERTY
LOCATED AT 26 HUDSON STREET (BLOCK 219, LOT 3
ON THE MARLBORO TOWNSHIP TAX MAP)

WHEREAS, Lorri Harrison a/k/a Lorri Szafasz a/k/a (the "Owner") is the record owner of certain real property located at 26 Hudson Street in the Township of Marlboro, County of Monmouth, State of New Jersey, which is designated on the Marlboro Township Tax Map as Block 219, Lot 3 (the "Property"); and

WHEREAS, the Property is presently encumbered with a first mortgage (the "First Mortgage") granted by Household Finance Corporation to Lorri Harrison a/k/a Lorraine M. Harrison a/k/a Lorraine M. Szafasz, for the original amount of \$164,794.58, and dated April 25, 2006, recorded in Mortgage Book 8669, Page 3680 on April 29, 2006; and

WHEREAS, on or about September 3, 2004, the Owner granted a second mortgage in the amount of \$7,613.00 to the Township and this mortgage was recorded on September 29, 2007 in the Monmouth County Clerk's Office in Mortgage Book OR-8404 at Page 9072 and which mortgage was subsequently modified on November 11, 2004 by a Mortgage Modification and Mortgage Note Modification Agreement, which increased the amount of the Township Mortgage to \$8,500.00 recorded in the Monmouth County Clerk's Office in Mortgage Book OR-8432 at Page 7648 on January 27, 2005 (collectively referred to hereinafter as the "Township Mortgage"); and

WHEREAS, the purpose of the Township Mortgage was to secure the payment of expenses related to certain rehabilitation work which was performed at the Property pursuant to and in accordance with the Township's Affordable Housing Program; and

WHEREAS, the Township Mortgage provides that if the Owner resides in the Property as her primary residence for a period of six (6) consecutive years, this debt will be forgiven and the Township Mortgage will be discharged; and

WHEREAS, the Owner now seeks to obtain a Second Equity Loan in from CitiFinancial in the amount of \$15,000.00 (the "Equity Loan"); and

WHEREAS, as a condition of approving the financing of the Equity Loan, CitiFinancial requires that the Township of Marlboro

execute a Subordination Agreement acknowledging that the Township Mortgage will be subordinate to the Equity Loan; and

WHEREAS, the Administration and the Township of Marlboro Engineering Department have determined that there is sufficient equity in the Property to satisfy the Township Mortgage (if it is necessary that the Township Mortgage be satisfied).

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that the Township Mortgage shall be subordinated to the Mortgage to be issued by CitiFinancial for a Second Equity Loan to Lorri Harrison a/k/a Lorri Szafasz in the amount of \$15,000.00; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute any and all documents, in a form acceptable to the Township Attorney, that are necessary to effectuate the subordination of the Township Mortgage to the Mortgage for a Second Equity Loan to CitiFinancial; and

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

- a. Finiti Title, LLC
- b. CitiFinancial
- c. COAH Coordinator
- d. Mayor Hornik
- e. Business Administrator
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-153 (Authorizing Tax Assessor - Various Duties & Requirements) was introduced by reference, offered by Council Vice President Rosenthal, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-153

RESOLUTION AUTHORIZING THE TAX ASSESSOR TO PERFORM
VARIOUS DUTIES ASSOCIATED WITH HIS POSITION

WHEREAS, statutory provision is made for the review and correction of errors by the local Tax Assessor prior to certification of an assessment list; and

WHEREAS, statutory provision is also made for the discovery and correction of errors by the local Tax Assessor during the establishment of the tax rate; and

WHEREAS, changes in the property ownership at times necessitates adjustments in the Veterans and/or Senior Citizen deductions allowed on the assessment list; and

WHEREAS, responsibility for maintenance and correction of the assessment list rests with the local Tax Assessor subject to laws and regulations; and

WHEREAS, in certain instances outlined in N.J.S.A. 54:3-21, taxpayers and taxing districts are authorized to file appeals to the county board of taxation or, if the statutory requirements are satisfied, to file a complaint directly with the Tax Court; and

WHEREAS, in the case of an appeal or complaint filed by a taxpayer, the taxing district may file a cross petition of appeal or counterclaim; and

WHEREAS, the Township Council now desires to authorize the Tax Assessor to perform certain duties associated with his position.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, in addition to those powers given to the Tax Assessor by statute, the Tax Assessor may authorize the filing with the Monmouth County Board of Taxation or Tax Court such appeals or complaints as may be necessary to maintain the accuracy and equality in the assessment list of the Township of Marlboro, in accordance with the procedures set forth by the applicable statutory provisions and/or approved by the New Jersey Division of Taxation and/or the New Jersey Attorney General's Office; and

BE IT FURTHER RESOLVED that the Tax Assessor is hereby authorized to file complaints on behalf of the Township of Marlboro based upon farmland and rollback procedures; and

BE IT FURTHER RESOLVED that, with respect to appeals or complaints filed by a taxpayer with the Monmouth County Board of Taxation or Tax Court, the Tax Assessor may authorize the filing of cross petitions of appeal and counterclaims; and

BE IT FURTHER RESOLVED that the Tax Assessor is authorized to negotiate settlements of appeals or complaints filed with the Monmouth County Board of Taxation or the Tax Court and to authorize

settlements of such appeals without obtaining the Township Council's approval in the event the settlement involves \$50,000 or less per parcel per tax year on behalf of the Township of Marlboro.

The following Res. # 2008-154 (Award of Bid - coach Bus Transportation) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilman LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-154

A RESOLUTION AWARDING A CONTRACT TO SUBURBAN TRANSIT CORP. FOR COACH BUS TRANSPORTATION SERVICES FOR THE TOWNSHIP OF MARLBORO RECREATION DEPARTMENT TRAVEL CAMP

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of Coach Bus Transportation Services for the Township Of Marlboro Recreation Department Travel Camp and on April 1, 2008, received three (3) bids therefor; and

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

1. Suburban Transit Corp, 750 Somerset Street, New Brunswick, NJ 08901, for compensation as follows:

Per Bus Bid	Locations
\$719.00	The Quarry Swim Club, Hopewell, NJ
\$719.00	Rockville Climbing Center, Hamilton, NJ
\$719.00	Blackbeard's Cave, Bayville, NJ
\$719.00	Island Beach State Park Seaside Park, NJ
\$719.00	Funtown Pier Seaside Park, NJ
\$719.00	Jenkinson's Boardwalk, Point Pleasant, NJ
\$769.00	Great Adventure/Hurricane Harbor, Jackson, NJ (Extended Day 4:30 p.m.)
\$889.00	Bucks County River Country, Pointe Pleasant, PA (Extended day 8:00 a.m. - 4:30 p.m.)
\$719.00	Liberty Science Center, Jersey City, NJ (Extended day 4:00 p.m.)
\$849.00	Clementon Amusement Park & Splash World, Clementon, NJ (Extended day 4:00 p.m.)
\$889.00	Dorney Park & Wildwater Kingdom, Allentown, PA (Extended day 8:00 a.m. to 5:00 p.m.)
\$849.00	Philadelphia Zoo, Philadelphia, PA (Extended day 4:30 p.m.)

\$889.00 Mt. Creek Water Park, Vernon, NJ
 (Extended day 8:00 a.m. to 5:00 p.m.)
 \$849.00 Adventure Aquarium, Camden, NJ
 (Extended day 3:30 p.m.)
 \$719.00 Space Odyssey, Englewood, NJ; and

2. Academy Express, LLC, 111 Paterson Avenue, Hoboken, NJ 07080, for compensation as follows:

Per Bus Bid	Locations
\$ 936.00	The Quarry Swim Club, Hopewell, NJ
\$ 936.00	Rockville Climbing Center, Hamilton, NJ
\$ 936.00	Blackbeard's Cave, Bayville, NJ
\$ 956.00	Island Beach State Park Seaside Park, NJ
\$ 936.00	Funtown Pier Seaside Park, NJ
\$ 936.00	Jenkinson's Boardwalk, Point Pleasant, NJ
\$ 956.00	Great Adventure/Hurricane Harbor, Jackson, NJ (Extended Day 4:30 p.m.)
\$ 936.00	Bucks County River Country, Pointe Pleasant, PA (Extended day 8:00 a.m. - 4:30 p.m.)
\$ 936.00	Liberty Science Center, Jersey City, NJ (Extended day 4:00 p.m.)
\$ 936.00	Clementon Amusement Park & Splash World, Clementon, NJ (Extended day 4:00 p.m.)
\$1,043.00	Dorney Park & Wildwater Kingdom, Allentown, PA (Extended day 8:00 a.m. to 5:00 p.m.)
\$ 936.00	Philadelphia Zoo, Philadelphia, PA (Extended day 4:30 p.m.)
\$1,017.00	Mt. Creek Water Park, Vernon, NJ (Extended day 8:00 a.m. to 5:00 p.m.)
\$ 936.00	Adventure Aquarium, Camden, NJ (Extended day 3:30 p.m.)
\$ 936.00	Space Odyssey, Englewood, NJ; and

3. Stout's Charter Service, Inc., 20 Irven Street, Trenton, NJ 086381, for compensation as follows:

Per Bus Bid	Locations
\$1,048.00	The Quarry Swim Club, Hopewell, NJ
\$1,025.00	Rockville Climbing Center, Hamilton, NJ
\$1,016.00	Blackbeard's Cave, Bayville, NJ
\$1,051.00	Island Beach State Park Seaside Park, NJ
\$1,076.00	Funtown Pier Seaside Park, NJ
\$1,055.00	Jenkinson's Boardwalk, Point Pleasant, NJ
\$1,006.00	Great Adventure/Hurricane Harbor, Jackson, NJ

(Extended Day 4:30 p.m.)
 \$1,186.00 Bucks County River Country, Pointe Pleasant, PA
 (Extended day 8:00 a.m. - 4:30 p.m.)
 \$1,023.00 Liberty Science Center, Jersey City, NJ
 (Extended day 4:00 p.m.)
 \$1,114.00 Clementon Amusement Park & Splash World,
 Clementon, NJ
 (Extended day 4:00 p.m.)
 \$1,182.00 Dorney Park & Wildwater Kingdom, Allentown, PA
 (Extended day 8:00 a.m. to 5:00 p.m.)
 \$1,131.00 Philadelphia Zoo, Philadelphia, PA
 (Extended day 4:30 p.m.)
 (Stout's Charter Service bid response, continued)

\$1,163.00 Mt. Creek Water Park, Vernon, NJ
 (Extended day 8:00 a.m. to 5:00 p.m.)
 \$1,098.00 Adventure Aquarium, Camden, NJ
 (Extended day 3:30 p.m.)
 \$1,035.00 Space Odyssey, Englewood, NJ; and

WHEREAS, the Township Administration and the Department of Recreation have reviewed the said bids received and recommended that same be awarded to Suburban Transit Corp. as the lowest responsible bidder; and

WHEREAS, the funds which will be available to cover the costs associated with the awarding of this contract are contingent upon the collection of the required fees in the Recreation Trust. Therefore, the services and payments addressed in this bid are on an on-going basis not requiring certification of funds by the Township Chief Financial Officer; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Suburban Transit Corp. of New Brunswick, New Jersey to provide Coach Bus Transportation Services for the Township Of Marlboro Recreation Department Travel Camp.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Suburban Transit Corp. of New Brunswick, New Jersey to provide Coach Bus Transportation Services for the Township Of Marlboro Recreation Department Travel Camp for compensation as set forth hereinabove; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Suburban Transit Corp in a form to be approved by the Township Attorney, for the aforementioned services; and

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

- a. Suburban Transit Corp.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Director, Recreation and Parks Commission
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-155 (Appointment - Zoning Board of Adjustment - to fill unexpired term of Joseph Sparacio) was introduced by reference, offered by Councilman LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-155

RESOLUTION APPOINTING JENNIFER BAJAR TO FILL THE UNEXPIRED TERM OF JOSEPH SPARACIO AS ALTERNATE #1 TO THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body of the Township of Marlboro; and

WHEREAS, by Resolution 2007-3, Joseph Sparacio was appointed to serve as a member of the Zoning Board of Adjustment for a two-year term as Alternate # 1; and

WHEREAS, Joseph Sparacio has resigned from such position as Alternate #1 before the expiration of such term, and a new appointment is required to fill such unexpired term; and

WHEREAS, the Township Council desires to appoint Jennifer Bajar to serve as a member of the Zoning Board of Adjustment as Alternate #1 to fill the unexpired term of Joseph Sparacio, such term to expire December 31, 2008.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that it hereby appoints Jennifer Bajar to serve as a member of the Marlboro Township Zoning Board of Adjustment as Alternate #1 to fill the unexpired term of Joseph Sparacio, such term to expire December 31, 2008; and

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

- a. Jennifer Bajar
- b. Mayor Hornik
- c. Business Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2008-156 (Appointment - WMUA Commissioner - to fill unexpired term of Catherine Zulferino) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman LaRocca and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2008-156

RESOLUTION APPOINTING JEFFREY ROSEN AS A MEMBER OF
THE WESTERN MONMOUTH UTILITIES AUTHORITY TO FILL
THE UNEXPIRED TERM OF CATHERINE ZULFERINO

WHEREAS, Sections 36-5 through 36-13 of the "Code of the Township of Marlboro" establish the Western Monmouth Utilities Authority, which was created pursuant to N.J.S.A. 40:14B-1, et seq.; and

WHEREAS, N.J.S.A. 40:14B-5 provides that the members of joint authorities composed of two or more municipalities shall be appointed by the governing bodies of such participating municipalities; and

WHEREAS, Section 36-7 of the Code of the Township of Marlboro further provides for the appointment of members of the Western Monmouth Utilities Authority from Marlboro Township by a majority vote of the Township Council of the Township of Marlboro; and

WHEREAS, by Resolution #2005-5, the Township Council appointed Ralph Zulferino to serve as one of Marlboro Township's members of the Western Monmouth Utilities Authority for a term of five (5) years commencing on February 1, 2005 and expiring January 31, 2010; and

WHEREAS, due to the unfortunate death of Mr. Zulferino, that position became vacant and, by Resolution 2007-233, was filled by the appointment of Catherine Zulferino to serve the remainder of her late husband's term until its expiration on January 31, 2010; and

WHEREAS, Catherine Zulferino has resigned her position before the expiration of such term, and a new appointment is required to fill such unexpired term; and

WHEREAS, the Township Council wishes to appoint JEFFREY ROSEN to serve as a member of the Western Monmouth Utilities Authority for the remainder of the unexpired term of Catherine Zulferino, which term shall expire on January 31, 2010.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that JEFFREY ROSEN is hereby appointed to serve as a member of the Western Monmouth Utilities Authority for the remainder of the term for which Catherine Zulferino had served, which shall expire January 31, 2010; and

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

- a. Jeffrey Rosen
- b. Western Monmouth Utilities Authority
- c. Mayor Hornik
- d. Business Administrator
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor: Res. #2008-157 (Redemption Tax Sale Cert. - B. 269, L. 17), Res. #2008-158 (Refund Tax Judgements - Various) and Res. #2008-159 (Refunds to WMUA - Various).

RESOLUTION # 2008-157

WHEREAS, Tax Sale Certificate #05-22 for Block 269 Lot 17, assessed to Arlene L. Andreadis, located at 1 Pin Oak Road, has been redeemed in the amount of \$35,418.35,

WHEREAS, the holder of the above-mentioned tax sale certificate, Mike Mastellone, is entitled to the amount of the sale plus interest and costs totaling \$35,418.35,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$35,418.35 be refunded to the holder of said certificate as above.

RESOLUTION # 2008-158

WHEREAS, the Tax Court of New Jersey has granted judgments in the amount of \$40,136.18 for the year 2006, and \$36,606.40 for the year 2007, as per the attached Schedule "A",

WHEREAS, the 2006 and 2007 taxes have been paid in full, the Tax Collector is directed to refund the amounts of \$40,136.18 for 2006 and \$36,606.40 for 2007,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amounts of \$40,136.18 for 2006 and \$36,606.40 for 2007 as per the attached Schedule "A".

SCHEDULE "A"

<u>BLOCK/LOT</u>	<u>ASSESSED OWNER</u>	<u>2006</u> <u>REFUND</u>	<u>2007</u> <u>REFUND</u>
176/5.02 Route 9	Regal Cinemas, Inc. 7132 Commercial Park Dr. Knoxville, TN 37918	\$32,722.76	\$26,164.73
180/28 43 Nikki Ct.	Wolf Block, LLC & Steven Ostrovsky c/o Nathan Wolf, Esq. Wolf Block Brach & Eichler 101 Eisenhower Parkway Roseland, NJ 07068	7,413.42	10,441.67
		\$40,136.18	\$36,606.40
TOTAL REFUND FOR 2006:		\$40,136.18	
TOTAL REFUND FOR 2007:			\$36,606.40

RESOLUTION # 2008-159

WHEREAS, current sewer charges totaling \$3,369.76 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$3,369.76 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>	
TSC#06-37	296/1	Lillian Zhang	\$346.80	
17 Clayton Road				
TSC#07-1	106/6	Plymouth Park Tax Services	438.64	
17 Thomas Lane				
TSC#07-2	109/5	Fernwood Funding	526.87	
42 Wicker Place				
TSC#07-22	305/61	Plymouth Park Tax Services	518.04	
44 Vista Drive				
TSC#07-24	351/5	American Tax Funding	1,014.60	21-23
School Road West				
TSC#07-35	339/27	Culmac Investors	524.81	9
Stone Lane				
			<u>TOTAL:</u>	<u>\$3,369.76</u>

At 10:50PM, Councilwoman Marder moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session reconvened at 11:00PM.

RESOLUTION # 2008-160

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 24th day of April, 2008 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:25PM, Councilwoman Tragni moved that the meeting be opened. This was seconded by Council President Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:26PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 15, 2008

OFFERED BY: Tragni AYES: 4

SECONDED BY: Marder NAYS: 0

ABSENT: Cantor

ALIDA MANCO
MUNICIPAL CLERK

JEFF CANTOR
COUNCIL PRESIDENT