

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 4, 2010

The Marlboro Township Council held its regularly scheduled meeting on March 4, 2010 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this 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 11, 2010; mailed 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: Council Vice President Marder,
Councilwoman Mazzola, Councilman
Metzger and Council President LaRocca.
Councilman Cantor was absent.

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

Council Vice President Marder motioned to table Res. #2010-51 (Bond Release Highland Meadows Sections 2B & 3) to the April 15th agenda. This was seconded by Councilwoman Mazzola and passed on a roll call vote of 4-0 (Absent: Cantor).

The following Res. # 2010-96/Ord. # 2010-6 (Rescinding Ord. #2009-6 - Rezoning B. 119, L. 4 - Ticetown Road) was introduced by reference, offered by Council Vice President Marder, and seconded by Councilwoman Mazzola. Discussion followed, during which Mayor Hornik explained that this ordinance will rezone the parcel back to the original zoning. After

discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-96

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

ORDINANCE # 2010-6

AN ORDINANCE AMENDING CHAPTER 220 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY BY REPEALING ORDINANCE #2009-6

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 April 15, 2010 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 # 2010-6

AN ORDINANCE AMENDING CHAPTER 220 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY BY REPEALING ORDINANCE #2009-6.

WHEREAS, the Township of Marlboro Planning Board adopted a Housing Element/Fair Share Plan (hereinafter "the Plan") December 17, 2008; and

WHEREAS, the Township Council endorsed the Plan by Resolution adopted on December 18, 2008; and

WHEREAS, the Township thereafter submitted the Plan under protest to Council on Affordable Housing (hereinafter "COAH") as part of its application for substantive certification in accordance with the third round rules; and

WHEREAS, the Plan proposes the development of a 100% affordable family rental project consisting of 176 units in two phases; and

WHEREAS, property identified as Block 172, Lot 37 on the Tax Maps of the Township of Marlboro (hereinafter "the Site") and located on Amboy Road is the Township's preferred location for developing such a project; and

WHEREAS, Ordinance #2009-6 conditionally rezoned Block 119 Lot 4 on the Tax Maps of the Township of Marlboro to permit affordable housing development subject to approval of the Township's Fair Share Plan by either COAH or a court of competent jurisdiction; and

WHEREAS, to date the Township's Fair Share Plan has not been approved; and

WHEREAS, in light of pending legislation and recent Executive Orders of the Governor the Mayor has determined that the Housing Element and Fair Share Plan should be amended to remove this property; and,

WHEREAS, the Mayor has determined that the zoning of this property for affordable housing is not in the best interest of the Township, its taxpayers and residents; and,

WHEREAS, the Mayor has requested that the Township Council act to repeal ordinance # 2009-6.

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 Ordinance #2009-6 is hereby repealed.

The following Resolution #2010-47 (Acknowledging Mayor's Appointment of Steve Rosenthal as Honorary Deputy Mayor expressing congratulations) was introduced by reference, offered by Council Vice President Marder, and seconded by Councilman Metzger. Mayor Hornik praised Mr. Rosenthal for his past accomplishments, echoed by Council members. The resolution was then passed on a roll call vote of 3 - 0 in favor, with Councilwoman Mazzola abstaining (Absent: Cantor). Mayor Hornik swore in Steve Rosenthal as Deputy Mayor. Deputy Mayor Rosenthal thanked everyone for their support.

RESOLUTION # 2010-47

RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF STEVE ROSENTHAL
AS HONORARY DEPUTY MAYOR FOR THE TOWNSHIP OF MARLBORO

WHEREAS, Section 4-31 of the Code of the Township of Marlboro establishes the position of Honorary Deputy Mayor, to assist the Mayor by attending meetings as the Mayor's designee or representative and to perform such other functions as may be directed by the Mayor, such appointment to be made by the Mayor, at his or her discretion; and

WHEREAS, Mayor Jonathan L. Hornik has appointed Steve Rosenthal as Honorary Deputy Mayor for the Township of Marlboro pursuant to Section 4-31 of the Code of the Township of Marlboro.

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 appointment of Steve Rosenthal as Honorary Deputy Mayor for the Township of Marlboro by Mayor Jonathan L. Hornik, be and is hereby acknowledged and that the Marlboro Township Council hereby congratulates Steve Rosenthal on their appointment as Honorary Deputy Mayor; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Steve Rosenthal
- d. DeCotiis, FitzPatrick & Cole, LLP

Council took a five-minute recess.

The following Resolution #2010-97 (Authorizing Down Payment Assistance to Homeowners to Purchase Affordable Units in Foreclosure) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-97

A RESOLUTION AUTHORIZING MARLBORO TOWNSHIP'S ADMINISTRATIVE AGENT TO OFFER DOWN PAYMENT ASSISTANCE TO ELIGIBLE AND INCOME QUALIFIED HOUSEHOLDS SEEKING TO PURCHASE SELECTED AFFORDABLE UNITS WHICH ARE IN FORECLOSURE

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, Marlboro Township carefully monitors its existing affordable housing stock, which includes rental and owner-occupied affordable housing units, to ensure that said units remain affordable and occupied by income restricted households and that the affordability controls on these units are not extinguished or terminated; and

WHEREAS, the United States as a whole, including the State of New Jersey, is experiencing an unprecedented economic downturn in which citizens and residents are losing their jobs and are struggling to maintain and keep their homes, a plight that has affected both market and affordable households alike; and

WHEREAS, Mayor Hornik, having been made aware that mortgage foreclosure proceedings have been commenced against several affordable units within Marlboro Township, has chosen to take steps to prevent the loss of these units through foreclosure proceedings; and

WHEREAS, Mayor Hornik has expressed his deep concern for this situation and he has instructed that efforts be made to insure that none of the affordable units are lost through foreclosure proceedings; and

WHEREAS, COAH's existing substantive rules, and more specifically N.J.A.C. 5:97-8.8(a)(1), permit municipalities to use their affordable housing trust funds to provide for

affordability assistance and more particularly such things as down payment assistance; and

WHEREAS, affordable housing special counsel has confirmed with COAH that Marlboro Township may spend monies from its affordable housing trust fund for down payment assistance without the need for a waiver pursuant to N.J.A.C. 5:97-8.1(d); and

WHEREAS, in response to the foregoing financial crisis and its affect on the housing market in Marlboro Township – particularly some of the Township's affordable housing units – Mayor Hornik deems it prudent and appropriate to instruct Marlboro's administrative agent to seek out income qualified buyers who are interested in acquiring any affordable units which are subjected to pending mortgage foreclosure proceedings and to offer them down payment assistance as an inducement to attract such qualified buyers; and

WHEREAS, the Township's administrative agent (Monmouth Housing Alliance d/b/a The Affordable Housing Alliance) has recommended that the Township offer the sum of \$5,000 per household as down payment assistance per unit for those units which are currently in or will be subjected to mortgage foreclosure proceedings; and

WHEREAS, Mayor Hornik believes providing down payment assistance is in the best interests of the Township and that it is in furtherance of the Township's intention to maintain all affordability controls in place and not let them be terminated or extinguished and, to ensure that all affordable housing units are indeed occupied by income qualified households;

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 Monmouth Housing Alliance d/b/a The Affordable Housing Alliance is herein authorized to offer down payment assistance to those income qualified buyers who are interested in acquiring any available affordable housing units which are currently subjected to mortgage foreclosure proceedings; and

BE IT FURTHER RESOLVED, that the Monmouth Housing Alliance d/b/a The Affordable Housing Alliance has been provided with a listing of affordable units which are

currently subjected to mortgage foreclosure proceedings and upon affordable housing special counsel advising of additional units which become subjected to mortgage foreclosure proceedings the Monmouth Housing Alliance d/b/a The Affordable Housing Alliance may similarly offer down payment assistance as to income qualified buyers for those units as well; and

BE IT FURTHER RESOLVED, that the amount of the assistance which may be offered by the Monmouth Housing Alliance d/b/a The Affordable Housing Alliance shall be limited to an amount up to \$5,000 which shall be paid from Marlboro Township's affordable housing trust fund; and

BE IT FURTHER RESOLVED, that the Monmouth Housing Alliance d/b/a The Affordable Housing Alliance shall keep affordable housing special counsel apprised as to the status of locating any income qualified buyers for any affordable housing units which are subjected to mortgage foreclosure proceedings; 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. Kenneth W. Biedzynski, Affordable Housing Special Counsel
- c. Monmouth Housing Alliance d/b/a The Affordable Housing Alliance
- d. Municipal Housing Liaison (Thomas P. Howley)
- e. Mayor Jonathan L. Hornik
- f. Township Administrator
- g. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Resolution #2010-109 (Settlement Agreement Middlesex Water Co.) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-109

A RESOLUTION AUTHORIZING SETTLEMENT ON BEHALF OF THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS, WATER UTILITIES DIVISION, WITH MIDDLESEX WATER COMPANY

WHEREAS, on August 17, 2009, Middlesex Water Company ("MWC") filed a petition with the New Jersey Board of Public Utilities ("BPY") seeking an increase in its rates for water service and other tariff changes (the "Petition"); and

WHEREAS, the Marlboro Township Municipal Utilities Authority ("MTMUA") objected to the MWC's Petition; and

WHEREAS, subsequently, the MWC and the MTMUA entered into settlement negotiations resulting in a Stipulation of Settlement; and

WHEREAS, by Ordinance # 2009-045 adopted on December 18, 2009, the Township of Marlboro dissolved the MTMUA and by Ordinance # 2009-046 adopted on December 18, 2009, the Township established its own Water Utility Division in the Township's Department of Public Works ("Township Water Utility") to perform the same services provided by the MTMUA; and

WHEREAS, the Executive Counsel for the formerly constituted MTMUA, by memorandum to the Township of Marlboro, dated March 2, 2010, has set forth the history of the Petition and the terms and conditions of the aforementioned Stipulation of Settlement, and recommends that the Township of Marlboro authorize settlement of the Petition on behalf of the Township Water Utility; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the March 2, 2010 memorandum of the Executive Counsel for the formerly constituted MTMUA and the proposed Stipulation of Settlement and desires to authorize settlement of the Petition on behalf of the Township Water Utility and the execution of the Stipulation of Settlement, as being in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby authorizes the settlement of the Middlesex Water Company's Petition with the New Jersey Board of Public Utilities on behalf of the Marlboro Township Department of Public Works, Water Utility Division, in accordance with the March 2, 2010 memorandum of the Executive Counsel for the formerly constituted

Marlboro Township Municipal Utilities Authority, attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes execution of the Stipulation of Settlement on behalf of the Marlboro Township Department of Public Works, Water Utility Division, in a form substantially similar to that attached hereto; and

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

- a. Peter Wersinger III, Esq., Executive Counsel for formerly constituted Marlboro Township Municipal Utilities Authority;
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-98 (Authorizing 2010 Mosquito Spraying Program) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-98

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

The following Resolution #2010-99 (Discharge of Mortgage - 254 Tennent Road) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor. (Absent: Cantor)

RESOLUTION # 2010-99

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL
AUTHORIZING A DISCHARGE OF A MORTGAGE AND MORTGAGE
NOTE DATED DECEMBER 8, 2000, WHICH WAS FILED AGAINST
A PROPERTY LOCATED AT 254 TENNENT ROAD, MARLBORO,
NEW JERSEY, WHICH IS OWNED BY LEONARD T. FLYNN
AND VIRGINIA A. FLYNN

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

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

WHEREAS, as a condition of the rehabilitation program residents who were offered financial assistance must have retained ownership of their units for a period of six (6) years from the date of such assistance and if they do so, the financial assistance (which is in the form of a forgivable loan), shall be discharged and forgiven; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn took title to a certain mortgaged premises by means of a deed from John H. Williams by deed dated September 20, 1984, and recorded in the Monmouth County Clerk's Office on October 25, 1984, in Deed Book 4518; Page 514; and

WHEREAS, the address of the aforesaid property is commonly known as 254 Tennent Road, Marlboro, New Jersey; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn made application for rehabilitation assistance for their home and they were granted such assistance and repairs and/or

improvements were made to their home as a consequence of the foregoing rehabilitation program; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn owned the foregoing real property in fee simple; and

WHEREAS, the purpose of the foregoing rehabilitation services and funding was to correct defects in the premises of 254 Tennent Road, Marlboro, New Jersey and to bring said home up to applicable code standards; and

WHEREAS, the Township of Marlboro agreed to deferred payments in the amount of \$11,775.00 in furtherance of this rehabilitation; and

WHEREAS, the Township of Marlboro loaned the aforesaid sum to the Flynns (with no interest being charged) in furtherance of the foregoing rehabilitation project; and

WHEREAS, receipt of the forgivable loan is evidenced by the Mortgage Note dated December 8, 2000, to The Township of Marlboro which secured the cost of the rehabilitation; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn, the homeowners, similarly signed a mortgage on December 8, 2000, to secure the indebtedness related to the foregoing rehabilitation project; and

WHEREAS, the foregoing mortgage was recorded in the Monmouth County Clerk's Office in Book 8001, page 672 on January 9, 2001; and

WHEREAS, the term of the Mortgage and Mortgage Note was due and payable six (6) years from the date of the signing of the loan which meant it matured and became due on December 8, 2006; and

WHEREAS, the expiration of the note term has been reached which was six (6) years; and

WHEREAS, the note for \$11,775.00 was forgivable if the terms and conditions of the Rehabilitation Deferred Loan Agreement, Mortgage Note and Mortgage were met; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn have demonstrated by Affidavit that

1. They continue to own and occupy 254 Tenent Road, Marlboro, New Jersey, as their primary residence and have done so for at least the past six (6) years since December 8, 2000;

2. They complied with all terms and conditions of the Mortgage Note, Rehabilitation Deferred Loan Agreement and the Marlboro Township Housing Rehabilitation Program guidelines and procedures;

3. They promptly paid all taxes, levies and assessments on the property;

4. They have not utilized the property as a rental property;

5. They have kept the property in good repair and have not permitted deterioration of the property;

6. They have maintained extended coverage insurance in an amount at least equal to the amount of the mortgage;

7. They have utilized the property in compliance with all the laws, ordinances and other requirements of any governmental authority; and

WHEREAS, as Leonard T. Flynn and Virginia A. Flynn continue to own the home at 254 Tennent Road, Marlboro; and

WHEREAS, Leonard T. Flynn and Virginia A. Flynn now desire a discharge of the foregoing liens against their home at 245 Tennent Road; and

WHEREAS, the Marlboro Township Town Council finds that there is good cause for the release of the foregoing mortgage and note;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to sign the attached Discharge of Mortgage on the aforesaid property;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said Discharge of Mortgage on the aforesaid property, the discharge will be recorded in the Monmouth County Clerk's Office.

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

- a. Mayor Jonathan L. Hornik;
- b. Township Business Administrator, Alayne Shepler;
- c. Thomas P. Howley, Municipal Housing Liaison;
- d. Township Attorney, DeCotiis, Fitzpatrick, Cole & Wisler, LLP;
- e. Leonard T. Flynn and Virginia A. Flynn;
- f. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

The following Resolution #2010-100 (Authorizing Contract - Wiss & Co. - MTMUA Audit) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-100

A RESOLUTION AUTHORIZING THE APPOINTMENT OF
AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT
WITH WISS & COMPANY, LLP TO ACT AS THE INDEPENDENT
AUDITOR FOR THE TOWNSHIP OF MARLBORO WATER
UTILITY DIVISION, DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro Water Utility Division, Department of Public Works ("Water Utility") requires the services of an auditor to provide the statutory audit of the Water Utility's financial records for the year ending November 30, 2009 and auditing of the Water Utility's financial statements for the stub period, as of and for the period ending March 21, 2010, or an alternate period if determined by the Division of Local Government Services, Department of Community Affairs, State of New Jersey (collectively referred to hereinafter as the "Audit Services"); and

WHEREAS, such Audit 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 February 1, 2010 from Wiss & Company, LLP, for Audit Services (the "Proposal") which sets forth the terms and conditions under which such services are to be rendered by Wiss & Company, LLP (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 2010 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 Chapter 18 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Chapter 18 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 Wiss & Company, LLP, as independent Auditor for Audit Services (as defined hereinabove) for the Township of Marlboro Water Utility Division, Department of Public Works("Water Utility") 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:

- Statutory audit of the Water Utility's financial records for year ending November 30, 2009 for an amount not to exceed \$19,000.00; and
- Auditing of the Water Utility's financial statements for the stub period, as of and for the period ending March 21, 2010, or an alternate period if determined by the Division of Local Government Services, Department of Community Affairs, State of New Jersey for an amount not to exceed \$14,000.00

3. The Mayor and Township 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 Water Utility; and

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

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

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

- a. Wiss & Company, LLP
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2010-101 (Purchase on State Contract - Software for Tax Collector) was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2010-101

RESOLUTION AUTHORIZING THE PURCHASE OF UTILITY
BILLING SOFTWARE FOR THE TOWNSHIP OF MARLBORO
STATE CONTRACT # A72727

WHEREAS, the Marlboro Township Tax Department has recommended that the Township purchase utility billing software ("Computer Software") from Municipal Software Inc., 9 S Dartmouth Building # 3 2nd Floor, Marshalls Creek, PA 18335 under State Contract #A72727 not to exceed \$11,000; 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 the behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase the Computer Software under State Contract #A72727 for the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number 0-05- -500-506 and have been certified by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of the Computer Software.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE Township council of the Township of Marlboro that authorization is hereby granted to purchase utility billing software from Municipal Software Inc., 9 S Dartmouth Building # 3 2nd Floor, Marshalls Creek, PA 18335 under State Contract #A72727 not to exceed \$11,000; and

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

- a. Municipal Software Inc., Marshalls Creek, PA
- b. Township Administrator
- c. Township Tax Collector
- d. Township Chief Financial Officer
- e. Jonathan L. Williams, Esq.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2010-102 (Redemption Tax Sale Certs. - Various), Res. #2010-103 (Refunds for Overpayments - Various), and Res. #2010-104 (Refunds for Overpayments - Various).

RESOLUTION # 2010-102

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$73,580.18 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 \$73,580.18 to 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>
08-57 212 Tracy Dr.	305 93	Nasdom, LLC 1527 E. 35 th Street Brooklyn, NY 11234 Assessed Owner: John T. Ciofalo	34,818.90
09-117 4 Evan Dr.	180 45	Royal Tax Lien Services, LLC 179 Washington Lane Jenkintown, PA 19046 Assessed Owner: Cindy Wolkoff	630.30
08-12 142 Amboy Rd.	172 33	Culmac Investors, Inc. P.O. Box 251 Monmouth Beach, NJ 07750	38,130.98
TOTAL:			\$73,580.18

RESOLUTION # 2010-103

WHEREAS, the attached list in the amount of \$7,112.04 known as Schedule "A", is comprised of amounts representing overpayments for 2010 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>2010 REFUND</u>
147	32.24	Chirag & Amisha Desai 8 Ellis Court Morganville, NJ 07751	\$2,299.21
299	67.03	Joseph Palamattam & Aleyamma Joseph 27 Prides Lane Englishtown, NJ 07726	2,769.78
184	89	BAC Tax Services Corp. Mail Code TX2-975-02-01 2375 Glenville Drive Richardson, TX 75082 Assessed Owner: Gilston, Jill D. & Jay	2,043.05
TOTAL:			<hr/> \$7,112.04

RESOLUTION # 2010-104

WHEREAS, the attached list in the amount of \$11,213.78 known as Schedule "A", is comprised of amounts representing overpayments for 2010 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>2010 REFUND</u>
184	34	Thomas Binoy & Julie Binoy 127 Valesi Drive Morganville, NJ 07751	\$4,148.34
412	236	A.Erofeev & I. Buyalskaya 63 Kingfisher Court Marlboro, NJ 07746	1,418.77
214.03	36	Jay H. & Marcia L. Rubin 24 Exeter Drive Marlboro, NJ 07746	3,140.66
409	4	Michael & Debra Abramsohn 5 Saddle Ridge Marlboro, NJ 07746	2,506.01
TOTAL:			\$11,213.78

Council President La Rocca recused himself and left the room. As the Consent Agenda, Council Vice President Marder was introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola, and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and LaRocca): Res. #2010-105 (Raffle License St. Gabriels Off Premise 50/50), Res. #2010-106 (Raffle License St. Gabriels On Premise 50/50), Res. #2010-107 (Raffle License St. Gabriels On Premise Merchandise), and Res. #2010-108 (Raffle License St. Gabriels Carnival Wheels & Games).

RESOLUTION # 2010-105

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 03-2010 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on May 16, 2010 at approximately 7:30 PM at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2010-106

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 04-2010 (On Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 13, 2010	6PM - 12 PM
May 14, 2010	6PM - 12 PM
May 15, 2010	5PM - 12 PM
May 16, 2010	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2010-107

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 05-2010 (On Premise Merchandise) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 13, 2010	6PM - 12 PM
May 14, 2010	6PM - 12 PM
May 15, 2010	5PM - 12 PM
May 16, 2010	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

RESOLUTION # 2010-108

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 06-2010 (Carnival Wheels and Games) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

May 13, 2010	6PM - 12 PM
May 14, 2010	6PM - 12 PM
May 15, 2010	5PM - 12 PM
May 16, 2010	12PM - 8 PM

at St. Gabriel's Church grounds, 100 North Main Street, Marlboro, N. J. 07746.

At 9:45 PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: APRIL 15, 2010

OFFERED BY: MARDER AYES: 4

SECONDED BY: MAZZOLA NAYS: 0

ABSENT: CANTOR

ALIDA MANCO
MUNICIPAL CLERK

FRANK LA ROCCA
COUNCIL PRESIDENT