

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 3, 2010

The Marlboro Township Council held its regularly scheduled meeting on June 3, 2010 at 7:00 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. Notice of the time change was given to the above on May 10, 2010.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

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

Council President LaRocca moved Item 18A (Res. # 2010-213 (Advising and Consenting to Ethics Board Appointment - Liza Conselyea) to the beginning of the agenda. The following Res. # 2010-213 (Advising and Consenting to Ethics Board Appointment - Liza Conselyea) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and was passed on a roll call vote of 5- 0.

RESOLUTION # 2010-213

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF
LIZA L. CONSELYEA TO THE MARLBORO TOWNSHIP ETHICS BOARD

WHEREAS, Section 4-102 of the Code of the Township of
Marlboro establishes the Marlboro Township Ethics Board;
and

WHEREAS, said Board shall consist of six (6) members
who shall be appointed by the Mayor with the advice and
consent of the Township Council; and

WHEREAS, the members of the Marlboro Township Ethics
Board shall be chosen by virtue of their known and
consistent reputation for integrity and their knowledge of
local government affairs; and

WHEREAS, there is currently a vacancy on the Ethics
Board for a five (5) year term, effective April 1, 2010
until March 31, 2015; and

WHEREAS, Mayor Jonathan L. Hornik has appointed Liza
L. Conselyea to the Marlboro Township Ethics Board for such
five (5) year term, effective immediately and ending on
March 31, 2015; and

WHEREAS, the Township Council desires to consent to
the Mayor's appointment of Liza L. Conselyea to the
Marlboro Township Ethics Board for such five (5) year term,
effective immediately and ending on March 31, 2015.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the
Township Council of the Township of Marlboro, that it
hereby consents to the Mayor's appointment of Liza L.
Conselyea to the Marlboro Township Ethics Board for a five
(5) year term, effective immediately and ending on March
31, 2015; and

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

- a. Liza L. Conselyea
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick & Cole, LLP

Mayor Hornik administered the oath of office to Ms. Conselyea.

The following Res. # 2010-181/Ord. # 2010-11 (Amending Chapter 220 - Establishing violations and penalties for work performed without permits) was introduced by reference, offered by Council Vice President Marder, and seconded by Councilwoman Mazzola. There was a brief discussion between Council members and the legal department. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-181

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

ORDINANCE # 2010-11 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "LAND USE AND DEVELOPMENT", BY CREATING AND ESTABLISHING A NEW SECTION 220-32(C), "VIOLATIONS AND PENALTIES", TO SET FORTH PENALTIES FOR CONSTRUCTION WORK UNDERTAKEN WITHOUT A PERMIT

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 July 15, 2010 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2010-11 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF MARLBORO, "LAND USE AND DEVELOPMENT", BY CREATING AND ESTABLISHING A NEW SECTION 220-32(C), "VIOLATIONS AND PENALTIES", TO SET FORTH PENALTIES FOR CONSTRUCTION WORK UNDERTAKEN WITHOUT A PERMIT

BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that Chapter 220-Land Use and Development, be and is hereby amended and supplemented to create and establish a new Section 220-32(C), Violations and Penalties, to set forth penalties for construction work undertaken without a permit as follows:

§ 220-32(C). Violations and Penalties.

(1) Any property owner, resident, State of Licensed Home Improvement Contractor, pursuant to N.J.S.A. 56:8-136 et seq., or other person regulated by the State as an architect, professional engineer, landscape architect, land surveyor, electrical contractor, master plumber, or any other person in any other related professional requiring registration, certification or licensure by the state, who is acting within the scope of practice of his profession (hereinafter collectively referred to as, "Licensed Professionals or Contractors"), who fails to pay the required fee and obtain a permit pursuant to § 220-32(A), hereinabove, and who shall undertake or cause to undertake such construction work without a permit therefor shall be deemed to be in violation of this Chapter. Such violations shall, upon conviction thereof, be punishable by a minimum fine of \$250.00 for the first violation, \$500.00 for the second violation and \$1,000.00 for a third or subsequent violation, with the maximum fine not to exceed \$2,000.00, or imprisonment or community service for a term not to exceed ninety (90) days, or by both such fine and imprisonment or community service, in the discretion of the Municipal Court Judge. The continuation of such violation on each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation(s) may be punished as provided above for each separate offense.

(2) Any Licensed Home Improvement Contractor or Licensed Professionals or Contractors who are convicted of violating the provisions of this Chapter with the date of the violation having taken place within one year of the date of a previous violation of this Chapter, and who were fined pursuant to §220-32(C)(1), shall be sentenced by the Marlboro Township Municipal Court to an additional fine(s) as a repeat offender. The additional fine(s) imposed for repeat offenders shall be calculated separately from the fine(s) imposed for such additional violation(s).

(3) In accordance with the provisions of N.J.S.A. 40:49-5, the Township shall waive the imposition of

additional fines as a repeat offender upon a property owner or resident for repeated violations of this Chapter within a one year period. Pursuant to §220-32(C)(2), Licensed Home Improvement Contractors and Licensed Professionals or Contractors shall be subject to additional penalties and fines for subsequent violations of this Chapter within a one year period as repeat offenders, each such subsequent violation to be deemed a separate offense, as set forth in §220-32(C)(2).

(4) The Municipal Court Clerk shall forward a copy of all convictions issued pursuant to violations of this Chapter upon Licensed Home Improvement Contractors and Licensed Professionals or Contractors to the New Jersey Department of Community Affairs.

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

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

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

The following Res. # 2010-201/Ord. # 2010-12 (Amending Chapter 220 - Performance Guaranties) was introduced by reference, offered by Council Vice President Marder, and seconded by Council President La Rocca. Council President LaRocca, Council Vice President Marder and Louis Rainone, Esq. explained the ordinance. The resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-201

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

ORDINANCE # 2010-12

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE
OF THE TOWNSHIP OF MARLBORO, SECTION 220-30 ENTITLED,
"GUARANTIES, INSPECTIONS AND DEVELOPER'S AGREEMENTS"

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 July 15, 2010 at 7:00 p.m. at the Marlboro
Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2010-12

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE
OF THE TOWNSHIP OF MARLBORO, SECTION 220-30 ENTITLED,
"GUARANTIES, INSPECTIONS AND DEVELOPER'S AGREEMENTS"

WHEREAS, the Township Council has determined that it
is necessary to require Performance Guarantees to assure
the installation and maintenance of on-tract improvements
in accordance with the Municipal Land Use Law, N.J.S.A.
40:55D-1, et. seq., for land use approvals that are
granted; and

WHEREAS, the Township Council has also determined that
it is necessary to require Performance Guarantees for
residential private site work improvements for new
residential housing projects approved under the Municipal
Land Use Law.

NOW, THEREFORE, BE IT ORDAINED, by the Township
Council of the Township of Marlboro, County of Monmouth and
State of New Jersey, that the Code of the Township of
Marlboro Section 220-30 entitled, "GUARANTIES, INSPECTIONS
AND DEVELOPER'S AGREEMENTS" is hereby amended to create new
Sections 220-30 (A) through 220-30(D) as follows:

A. No final subdivision plat or site plan shall be
approved by the approving authority until all items
required to be bonded (on-site, off-site, on-tract and off-
tract) have been installed, inspected, certified and
approved by the Township Engineer and accepted by the
governing body and a maintenance guaranty has been filed
and accepted by the governing body in accordance with the
requirements of this section, or their installation shall

have been provided for by a performance guaranty accepted and approved by the Township Engineer and Township Attorney in accordance with the requirements of this section. The performance guarantee shall assure the installation and completion of improvements which the approving authority may deem necessary or appropriate including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9, et. seq., water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage strictures, erosion, control and sedimentation control devices, public improvements of open space, and in the case of site plans only, other on-site improvements and landscaping. No maintenance bond shall be accepted nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or reworked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat application that do not meet the standards of this chapter or other regulations shall be added to the performance guaranty.

B. The proposed performance guaranty shall be submitted to the approving authority by the developer. The approving authority shall review the proposed performance guaranty and submit it to the Township Engineer and Township Attorney for approval and acceptance. Final plat application shall not be accepted until the performance guaranty has been accepted and approved.

1. The performance guaranty shall consist of the performance guaranty estimate and a performance bond in a form acceptable to the Township Engineer and Township Attorney, in which the developer shall be principal and an acceptable surety company licensed to do business in the State of New Jersey shall be surety, a certified check which shall be deposited with the Township of Marlboro by payment to the Township Chief Financial Officer, or an irrevocable domestic letter of credit in a form satisfactory to the Township Attorney. The Township Chief Financial Officer shall cause the certified check to be deposited in a bank approved by the governing body in the name of the Township of Marlboro, to be retained as security for completion of all requirements and to be returned to the developer upon completion of all required work or, in the event of a default on the part of the

developer, to be used by the Township of Marlboro to pay the cost and expense of obtaining completion of all requirements. If the required improvements have not been installed or constructed in accordance with the standards of the Township or within the stipulated time, the obligor and/or surety, as provided by law, for the bond shall be liable thereon to the Township for the reasonable costs of the improvements or the uncompleted portions thereof, including engineering costs, and upon authorization by the governing body, the Township Attorney shall take the necessary steps to obtain such costs from the obligor and/or surety.

2. The total performance guaranty shall equal 120% of the cost of installation, which cost shall be determined by the Township Engineer in accordance with the method of calculation provided in N.J.S.A. 40:55D-53.4, as set forth herein, for improvements which the approving authority may deem necessary or appropriate.

a. The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guaranty, which itemized cost estimate shall be appended to each performance guaranty posted by the developer.

b. Pursuant to N.J.S.A. 40:55D-53.4, the cost of the installation of improvements shall be estimated by the Township Engineer based upon documented construction costs for public improvements prevailing in the general area of the Township. The developer may appeal the Township Engineer's estimate to the governing body. The governing body shall decide the appeal within 45 days of receipt of the appeal in writing by the Municipal Clerk. After the developer posts a guaranty with the municipality based upon the cost of the installation of improvements as determined by the governing body, he may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guaranty.

c. Ninety percent of this guaranty shall be either in cash, certified check, irrevocable letter of credit pursuant to N.J.S.A. 40:55D-53.5 or surety bond of a bonding company approved by the governing body. The remaining 10% shall be in cash and shall be paid in like manner and under the same conditions as the security

aforesaid. In the event of default, the ten-percent cash fund herein mentioned shall be first applied to the completion of the requirements and the cash, certified check, irrevocable letter of credit or surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash, irrevocable letter of credit or surety bond may recite the foregoing provision. The Township Engineer's certification that the principal has satisfactorily installed or has defaulted in meeting the required standards of construction shall be the basis of governing body action which accepts or rejects the improvements, withholds approval, institutes appropriate action to obtain cost and expenses from the obliger and/or surety in cases of default, or the governing body may extend the time allowed for installation of improvements.

d. In no event shall any construction be commenced until the developer has complied with all of the requirements for final approval.

3. Before recording a final subdivision plat, or before applying for a construction permit for a project for which subdivision or site plan approval has been granted, the developer of a residential housing project shall have filed with the Township a performance guarantee in an amount equal to 30% of the total estimated cost to the Township of constructing all residential private site work improvements as estimated by the Township Engineer. The purpose of the residential private site works performance guarantee is to assure that installation of such residential private site work improvements on or before an agreed date, guaranteeing the completion of all such residential private site work improvements without damage to or interference with adjacent properties or public facilities. In addition, the developer of a residential housing project shall hold the Township, the Township Council, Township Planning Board and Zoning Board of Adjustment and their employees and agents harmless with respect to any act of the developer, its agents, successors or assigns. The total estimated cost to the Township of constructing all such residential private site work improvements shall be based upon the estimated contract construction costs which would prevail upon expiration of the guarantee and shall also include appropriate allowances for contract-related costs such as engineering, legal, financial and other usual costs. Such performance guarantee may be in the form of cash, certified check, negotiable

securities, a performance bond issued by a bonding or surety company approved by the Township Council or any other type of surety accepted to and approved by the Township Attorney and the Township Council. If at the time the performance guarantee is filed with the Township the developer has not also filed with the Township proof that necessary performance guarantees have been filed and accepted by other governmental bodies, authorities, public utility companies and private utility companies which have jurisdiction over improvements in the subdivision or residential development, the amount of the residential private site work improvement performance guarantee shall be increased to reflect the cost of such private improvements.

4. If the performance guarantee posted with and accepted by the Township is in a form other than cash, certified check or negotiable securities, the various offices of the Township having jurisdiction may require the developer to post a cash escrow with the Township Treasurer for the estimated cost of any residential private site work improvements which are uncompleted at the time the developer requests a certificate of occupancy, and which residential private site work improvements are within the jurisdiction of their respective offices.

5. Residential private site work shall include driveways, curbing, walkways, water distribution facilities, sanitary sewage facilities, storm drainage facilities, finished grades of site work and landscaping. Residential private site work excludes any buildings and other work included in the Uniform Construction Code, utilities to be owned by a public utility or work under the jurisdiction of another governmental entity over which the Township has no control.

6. Township officials may, in their discretion, require the applicant to place a cash escrow with the Township, in addition to this performance bond, at the time of application for certificate of occupancy for any uncompleted residential private site work not required for issuance of a certificate of occupancy.

7. The applicant shall provide, with the application for final submission approval or application to commence construction of residential private improvements or for site plan approval, a quantity take-off list, prepared by a

licensed professional engineer, for the proposed residential private site work improvements.

C. The Township Clerk shall immediately notify the approving authority when the performance guaranty has been approved and accepted by the Township Engineer and Township Attorney.

D. Inspection Costs:

1. Prior to beginning any site improvements, changes, grading, construction, residential private site work improvements or any other site work covered by this chapter, the developer shall arrange for a preconstruction conference between the developer, contractor and Township Engineer, at which time inspection fees shall be paid if not previously paid. All improvements including residential private site work improvements shall be inspected during the time of their installation under the supervision of the Township Engineer to ensure satisfactory completion. The Township Engineer shall be notified by the developer 14 days in advance of the start of initial construction and five days in advance of all subsequent phases of construction if a time period of five days has lapsed since the date of last inspection. The cost of said inspection shall be the responsibility of the developer. The developer shall reimburse or pay to the municipality and to the inspection agency designated by the municipality, as the case may be, all reasonable construction inspection fees in excess of the initial construction inspection fee, as covered below, by submitting a certified check or bank money order to the Municipal Clerk upon receipt of a bill from the municipality. This fee shall be in addition to the amount of the performance guaranty and all other fees covered by this chapter. The municipality may require that the developer submit a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, including residential private site work improvements which cost shall be determined pursuant to Subsection B(2)(b). For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the

developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall deposit the remaining 50% of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the Municipal Engineer for inspection, the developer shall make additional deposits of 25% of the reasonably anticipated fees. The Municipal Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

2. Improvement costs, as estimated in this section, shall be defined to include material, construction and installation costs of grading, pavement, surveyors' monuments, drainage structures, storm sewers, sanitary sewers and other means of sewage disposal, water mains, fire-protection features, streets, gutters, curbs, culverts, sidewalks, street lighting, shade trees, parking areas, landscaping, street signs, erosion control and sedimentation control devices, public improvements of open space and other on-tract and off-tract improvements. Residential private site work improvement costs as estimated in this section shall be defined to include material, construction and installation costs of driveways, curbing, walkways, water distribution facilities, sanitary sewage facilities, storm drainage facilities, finished grades of site work and landscaping.

3. Groundwater testing. At the time of the payment of other fees due pursuant to this section, the developer shall pay a fee in connection with the application for a building permit in the amount of \$120 for each and every building lot, or a total of \$300 where multiple building lots are affected with a single structure. The purpose of this fee is to provide for inspections in order to determine the groundwater elevation and to determine compliance with § 220-35D(1)(a) and for no other purposes. In cases where multiple building lots are affected with a single structure, a minimum of two inspections shall be performed.

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

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

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

The following Res. # 2010-202/Ord. # 2010-13 (Conservation, Drainage and Utility Right of Way Easements B 175, L 11 - STC Realty/Scott Carbone) was introduced by reference, offered by Councilman Cantor and seconded by Councilman Metzger and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-202

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

ORDINANCE # 2010-13

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT CONSERVATION EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT, 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY AND A PERMANENT CONSERVATION, DRAINAGE AND UTILITY RIGHT-OF-WAY EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY FROM STC REALTY, LLC AS PART OF A CONDITION OF SITE PLAN APPROVAL FROM THE TOWNSHIP OF MARLBORO PLANNING BOARD

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 June 17, 2010 at 7:00 p.m. at the

Greenbriar North Clubhouse, 21 Clubhouse Lane, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2010-13

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A PERMANENT CONSERVATION EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT, 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY AND A PERMANENT CONSERVATION, DRAINAGE AND UTILITY RIGHT-OF-WAY EASEMENT OVER A PORTION OF PROPERTY KNOWN AS BLOCK 175, LOT 11, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY FROM STC REALTY, LLC AS PART OF A CONDITION OF SITE PLAN APPROVAL FROM THE TOWNSHIP OF MARLBORO PLANNING BOARD

WHEREAS, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., a municipality has the power to acquire and/or sell any real property or interests therein for a public purpose; and

WHEREAS, STC Realty, LLC is the owner ("Owner") and Scott Carbone d/b/a Vintage Design is the Developer ("Developer") of property known as Block 175, Lot 11 on the official tax map of the Township of Marlboro, Monmouth County, State of New Jersey (the "Property"), which is under development pursuant to Final Major Site Plan Approval granted by the Planning Board of the Township of Marlboro by Resolution adopted March 21, 2007 (the "Resolution") and for which a Developer Agreement was entered into between the Township of Marlboro and Owner and Developer ("Developer Agreement"); and

WHEREAS, it is a condition of the Resolution of Major Site Plan Approval and the Developer Agreement that the Owner and Developer shall convey a permanent Conservation Easement for land conservation purposes and a permanent Conservation, Drainage and Utility Right-of-Way Easement for land conservation purposes, and granting drainage discharge rights to the Township of Marlboro over portions of the Property and access to portions of the Property (collectively the "Easements"); and

WHEREAS, the Township has determined that it is in the public interest to accept the conveyance of the Easements.

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

1. The acceptance of the permanent Conservation Easement over a portion of the Property known as Block 175, Lot 11, Township of Marlboro, Monmouth County, New Jersey, (as more fully described on the legal description attached hereto and made a part hereof as Exhibit "A"), for land conservation purposes as a condition of Site Plan Approval pursuant to the Resolution of Final Major Site Plan Approval granted to STC Realty, LLC and Scott Carbone d/b/a Vintage Design and the Developer Agreement between the Township of Marlboro and STC Realty, LLC and Scott Carbone d/b/a Vintage Design, be and hereby is authorized for nominal compensation; and

2. The acceptance of the permanent Conservation, Drainage and Utility Right-of-Way Easement over a portion of the Property known as Block 175, Lot 11, Township of Marlboro, Monmouth County, New Jersey, (as more fully described on the legal description attached hereto and made a part hereof as Exhibit "B"), for land conservation purposes, and granting drainage discharge rights to the Township of Marlboro over portions of the Property and access to portions of the Property as a condition of Site Plan Approval pursuant to the Resolution of Final Major Site Plan Approval granted to STC Realty, LLC and Scott Carbone d/b/a Vintage Design and the Developer Agreement between the Township of Marlboro and STC Realty, LLC and Scott Carbone d/b/a Vintage Design, be and hereby is authorized for nominal compensation; and

2. The Mayor and Township Clerk are hereby authorized and directed execute and witness, respectively, two (2) Deeds of Easement in substantially the same form as that attached hereto and made a part hereof as Exhibits "C" and "D" and any other documents which may be required to effectuate the conveyance of the Conservation Easement and Conservation, Drainage and Utility Right-of-Way Easement; 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 provision so adjudicated,

and the remainder of the Ordinance shall be deemed valid and effective; and

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

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

The following Res. # 2010-203 (Supporting S-1492 - provides that Deed restrictions on Affordable Housing units not be extinguished by foreclosure proceedings) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-203

A RESOLUTION EVIDENCING SUPPORT FOR S1492 AND URGING
THE PASSAGE OF SAME BY THE NEW JERSEY LEGISLATURE
AND GOVERNOR AS SOON AS PRACTICABLE

WHEREAS, the Hon. Senator Ronald L. Rice, on or about February 22, 2010, introduced S1492 for adoption by the New Jersey Legislature;

WHEREAS, S1492 is currently pending before the New Jersey Legislature;

WHEREAS, S1492 is designed to safeguard the affordability controls for units designated as worthy of affordable housing credits by the Council on Affordable Housing (COAH) in the event of a foreclosure proceeding and the entrance of a judgment of foreclosure;

WHEREAS, there has been confusion in the law in cases where COAH units have been foreclosed thus warranting a clarification of the law which S1492 will do;

WHEREAS, throughout the State of New Jersey and nationwide there is economic strife and turmoil which has resulted in a great number of foreclosure filings which includes filings against COAH units;

WHEREAS, every municipality in the State of New Jersey has a constitutional obligation to provide a realistic opportunity for its fair share of affordable housing;

WHEREAS, considerable municipal resources are spent on a continual basis by virtually every municipality throughout the State of New Jersey in an effort to meet constitutional obligation as to affordable housing;

WHEREAS, the Marlboro Township Town Council finds that in light of the constitutional obligation facing all municipalities and the tremendous resources that Marlboro has spent and will continue to spend to meet this obligation, that a manifest injustice would result if any affordability controls pertaining to COAH housing were terminated because of a foreclosure proceeding and the entrance of a judgment of foreclosure;

WHEREAS, the Marlboro Township Town Council finds that it is not only in the best interests of the citizens of the State of New Jersey but also the residents of Marlboro that S1492 become law as soon as practicable;

WHEREAS, during the 2009 legislative session Marlboro Township passed a resolution endorsing similar legislation which had been proposed by Senator Rice commonly known as S1622;

WHEREAS, the 2009 legislative session lapsed without S1622 becoming law;

WHEREAS, Marlboro Township is actively defending foreclosure actions against deed restricted affordable units within the Township of Marlboro and Marlboro finds that the need for S1492 to become law is equally as present as it was when S1622 was pending as such Marlboro renews its request to the Governor and legislature to adopt S1492 as law as soon as it is practicable;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, New Jersey, that the New Jersey State Legislature, as well as the Governor of the State of New Jersey, are urged to pass and adopt S1492 such that it become law as soon as it is practicable; and

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

- a. The Hon. Sen. Ronald L. Rice;
- b. The Hon. Gov. Christopher Christie;
- c. Township Administrator;
- d. DeCotiis, Fitzpatrick & Cole LLP.

The following Res. # 2010-204 (Bond Reduction Hawley Estates) was introduced by reference, offered by Councilman Metzger, and seconded by Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-204

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS HAWLEY ESTATES, BLOCK 176, LOT 65.01, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for a reduction in the Township held Performance Guarantees in the form of a bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Hawley Estates", Block 176, Lot 65.01, Marlboro, New Jersey, (the "Site") posted by Pantheon Homes, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated May 12, 2010, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that a partial reduction be made in the current bond and cash deposit amounts being held by the Township; and

WHEREAS, the Township Council desires to reduce the performance guarantee bond and cash deposit amounts in accordance with the recommendation of the Township Engineer's May 12, 2010 report.

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 performance guarantees in the form of a bond and cash deposit posted for the site known as Hawley Estates located on property

known as Block 176, Lot 65.01, Township of Marlboro, New Jersey, shall be reduced as follows:

1. The Performance Guarantee Bond (First Indemnity of American Insurance Co., Bond #FP0012857), in the original and present amount of \$275,629.39, shall be reduced by \$189,476.50, so that the remaining amount shall be \$86,152.90.
2. The Cash Deposit, in the original and present amount of \$30,625.49 shall be reduced by \$21,052.94, so that the amount to remain shall be \$9,572.54; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the posting of any outstanding review and/or inspections fees required by the Planning Board and the resolution of any valid homeowners' complaints; and

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

- a. Pantheon Homes, LLC
- b. First Indemnity of American Insurance Co.
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Res. # 2010-205 (Authorizing Partial Refund of Affordable Housing fee to A+ Products, Inc.) was introduced by reference, offered by Councilman Cantor, and seconded by Council Vice President Marder and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-205

RESOLUTION AUTHORIZING THE REFUND OF A
PORTION OF THE NON-RESIDENTIAL DEVELOPMENT
FEES PAID BY A+ PRODUCTS, INC. ON BEHALF OF
A+ PUBLIC WAREHOUSING, L.L.C.

WHEREAS, A+ Products, Inc. on behalf of A+ Public Warehousing, L.L.C. paid a non-residential development fee in the amount of \$41,593.93 as a result of the approval and development of the non-residential property located at 6 Timber Lane, also known as Block 360.02, Lots 12 and 13 on the official tax map of the Township of Marlboro; and

WHEREAS, pursuant to the developer's agreement between the Township of Marlboro and A+ Public Warehousing, L.L.C. dated October 24, 2006, the amount of the non-residential development fee due as a result of the approval and development of the property was to be in the amount of one percent of the equalized assessed value of the property; and

WHEREAS, the tax assessor's office calculated the amended non-residential development fee due to be \$28,063.57; and

WHEREAS, based upon the amended calculation of the non-residential development fee due, there is a refund due to A+ Products, Inc. on behalf of A+ Public Warehousing, L.L.C. in the amount of \$13,530.36.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a partial refund of the non-residential development fee paid by A+ Products, Inc. on behalf of A+ Public Warehousing, L.L.C. in the amount of \$13,530.36 for the non-residential development known as 6 Timber Lane, designated as Block 360.02, Lots 12 and 13 on the official tax map of the Township of Marlboro be and is hereby authorized.

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

- a. A+ Public Warehousing, L.L.C.
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. DeCotiis, Fitzpatrick & Cole, LLP

The following Res. # 2010-206 (Authorizing Purchase Two 2010 Chevrolet Impala's for Police Dept. on State Contract #A72830) was introduced by reference, offered by Councilman Metzger, and seconded by Council Vice President Marder.

There was a brief discussion between Mayor, Council and Chief Bruce Hall. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-206

A RESOLUTION AUTHORIZING THE PURCHASE OF
TWO (2) NEW 2010 CHEVROLET IMPALAS
FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT
PURSUANT TO STATE CONTRACT #A72830

WHEREAS, the Township of Marlboro Police Department has requested that the Township purchase two (2) new 2010 Chevrolet Impalas from Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, Delaware 19963, under State Contract #A72830, as more fully specified in the proposal, attached hereto and made a part hereof, for a total amount not to exceed \$32,944.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it necessary to provide said vehicles to the Township of Marlboro's Police Department for their operational functions; and

WHEREAS, funds are available from Account Number Y-07-55-012-951 for the amount of \$32,944.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase two (2) new 2010 Chevrolet Impalas from Hertrich Fleet Services, Inc., 1427 Bay Road, Milford, Delaware 19963, under State Contract #A72830, as more fully specified in the proposal, attached hereto and made a part hereof, for a total amount not to exceed \$32,944.00; and

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

- a. Hertrich Fleet Services, Inc.

- 1427 Bay Road, Milford, Delaware 19963
- b. Township Administrator
 - c. Township Police Department
 - d. Township Chief Financial Officer
 - e. DeCotiis, FitzPatrick, & Cole, LLP

The following Res. # 2010-207 (Authorizing Purchase Five 2010 Ford Crown Victoria Vehicles on State Contract A72467) was introduced by reference, offered by Councilman Metzger, and seconded by Council Vice President Marder. Chief Bruce Hall answered Council's questions. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-207

A RESOLUTION AUTHORIZING THE PURCHASE OF
FIVE (5) NEW 2010 FORD CROWN VICTORIA POLICE
INTERCEPTORS AND RELATED OPTIONS FOR THE
MARLBORO TOWNSHIP POLICE DEPARTMENT
PURSUANT TO STATE CONTRACT #A72467

WHEREAS, the Township of Marlboro Police Department has requested that the Township purchase five (5) new 2010 Ford Crown Victoria Police Interceptors and related options from Winner Ford of Cherry Hill, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, under State Contract #A72467, as more fully specified in the proposal, attached hereto and made a part hereof, for a total amount not to exceed \$121,620.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is necessary to provide said vehicles to the Township of Marlboro's Police Department for their operational functions; and

WHEREAS, funds are available from Account Number Y-07-55-012-951 for the amount of \$121,620.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase five (5) new 2010 Ford Crown Victoria Police Interceptors and related options from Winner Ford of Cherry Hill, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, under State Contract #A72467, as more fully specified in the proposal, attached hereto and made a part hereof, for a total amount not to exceed \$121,620.00; and

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

- a. Winner Ford of Cherry Hill
250 Haddonfield-Berlin Road,
Cherry Hill, New Jersey 08034
- b. Township Administrator
- c. Township Police Department
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick, & Cole, LLP

The following Res. # 2010-208 (Authorizing Temporary Emergency Budget Appropriations) was introduced by reference, offered by Councilwoman Mazzola, seconded Councilman Metzger and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-208

EMERGENCY TEMPORARY APPROPRIATION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation after the first thirty days of the fiscal year and before the adoption of the 2010 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2009 appropriations with the exception of debt service and obligations associated with seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2010 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total: \$19,827,739.21 for the municipal budget, \$955,000.00 for the

operations of the swim utility and \$4,216,396.00 for the operations of the water utility; and

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation will be provided for in the CY 2010 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

<u>Current Fund</u>	2009 Appropriation	2010 Temporary Emergency Appropriation
Administration (30)		
Salary & Wages	160,000.00	142,500.00
Other Expenses	170,585.00	25,000.00
Office of the Mayor (10)		
Salary & Wages	60,500.00	30,250.00
Other Expenses	5,300.00	2,650.00
Ethics Commission		
Salary & Wages		
Other Expenses	500.00	250.00
Township Council (21)		
Salary & Wages	14,400.00	7,200.00
Other Expenses	2,000.00	1,000.00
Municipal Clerk (20)		
Salary & Wages	185,000.00	92,500.00
Other Expenses	61,000.00	30,500.00
Finance		
Salary & Wages	255,000.00	127,500.00

Other Expenses	23,000.00	15,000.00
Annual Audit	35,000.00	25,000.00
Central Computer Services		
Salary & Wages	84,000.00	42,000.00
Other Expenses	22,800.00	20,000.00
Tax Collector		
Salary & Wages	210,000.00	105,000.00
Other Expenses	56,650.00	28,325.00
Tax Assessor		
Salary & Wages	180,000.00	90,000.00
Other Expenses	88,800.00	44,400.00
Legal Services		
Other Expenses	400,000.00	250,000.00
Engineering Services		
Salary & Wages	255,000.00	127,500.00
Other Expenses	141,300.00	125,000.00
Economic Development		
Salary & Wages	2,000.00	1,000.00
Other Expenses	10,000.00	5,000.00
Grant Administration		
Salary & Wages		
Other Expenses	19,000.00	9,500.00
Cable Studio		
Salary & Wages		
Other Expenses	45,000.00	22,500.00
Inter- Governmental Relations		
Other Expenses	1,000.00	500.00
Homeland Security		
Salary & Wages	30,000.00	15,000.00
Other Expenses	28,500.00	14,250.00
Historic Sites Commission		
Other Expenses	1,000.00	500.00

Planning Board		
Salary & Wages	64,000.00	32,000.00
Other Expenses	34,800.00	82,400.00
Planning Board Contractual		
Other Expenses	31,400.00	15,700.00
Zoning Board		
Salary & Wages	158,000.00	79,000.00
Other Expenses	55,150.00	27,575.00
Liability Insurance	450,000.00	450,000.00
Workers Comp	600,000.00	600,000.00
Group Insurance	2,215,000.00	1,500,000.00
Unemployment Insurance	25,000.00	12,500.00
Police		
Salary & Wages	8,380,000.00	4,190,000.00
Other Expenses	363,000.00	181,500.00
Crime Prevention		
Other Expenses	23,405.00	11,702.50
School Educational Programs		
Other Expenses	13,900.00	6,950.00
Highway Safety		
Other Expenses	21,900.00	10,950.00
Emergency Management		
Salary & Wages	23,000.00	11,500.00
Other Expenses	16,850.00	8,425.00
Aid to Volunteer Ambulance Companies		
Other Expenses	60,000.00	0.00
Uniform Fire Safety Act		
Salary & Wages	133,500.00	66,750.00
Other Expenses	13,340.00	6,670.00
Municipal Prosecutors Office		
Salary & Wages	32,500.00	16,250.00

Streets and Road Maint		
Salary & Wages	1,555,000.00	777,500.00
Other Expenses	45,715.00	30,000.00
Snow Removal		
Salary & Wages	50,000.00	50,000.00
Other Expenses	372,290.00	769,390.00
Public Works - Other		
Salary & Wages	350,000.00	175,000.00
Other Expenses	66,020.00	33,010.00
Shade Tree Commission		
Salary & Wages		0.00
Other Expenses	2,000.00	1,000.00
Solid Waste Collection		
Salary & Wages	20,600.00	10,300.00
Other Expenses	704,124.00	352,062.00
Buildings & Grounds		
Salary & Wages	442,000.00	221,000.00
Other Expenses	232,140.00	175,000.00
Vehicle Maintenance		
Salary & Wages	415,000.00	207,500.00
Other Expenses	129,800.00	80,000.00
Community Services Act		
Other Expenses	94,700.00	0.00
Open space Committee		
Other Expenses	2,500.00	1,250.00
Public Health Services - Registrar		
Salary & Wages	6,500.00	3,250.00
Other Expenses	1,670.00	835.00
Drug Abuse Control		
Salary & Wages	10,000.00	5,000.00
Other Expenses	7,550.00	3,775.00
Environmental Health Services		
Salary & Wages	2,000.00	1,000.00

Other Expenses	5,000.00	2,500.00
Animal Control Services		
Other Expenses	55,000.00	27,500.00
Recreation		
Salary & Wages	410,000.00	205,000.00
Other Expenses	126,940.00	95,000.00
Park Maintenance		
Salary & Wages	515,000.00	257,500.00
Other Expenses	44,605.00	42,500.00
Municipal Library		
Other Expenses	16,200.00	8,100.00
Prior Year Bills	10,000.00	0.00
Accumulated Leave Compensation	1,000.00	0.00
Deficit in Animal control	1,929.19	0.00
Postage		
Other Expenses	60,000.00	30,000.00
Electricity	412,000.00	206,000.00
Street Lighting	674,000.00	337,000.00
Telephone	150,000.00	75,000.00
Water	24,000.00	12,000.00
Natural Gas	95,000.00	47,500.00
Sewer	10,400.00	5,200.00
Gasoline	336,500.00	225,000.00
Landfill Disposal Costs	222,200.00	140,000.00
PERS	345,000.00	679,885.00
FICA	1,000,000.00	500,000.00
Contingent	10,000.00	5,000.00

Municipal Court		
Salary & Wages	308,000.00	154,000.00
Other Expenses	125,140.00	62,570.00
Public Defender		
Salary & Wages	16,000.00	8,000.00
Other Expenses		
Affordable Housing		
Salary & Wages	4,000.00	2,000.00
Other Expenses	4,300.00	2,150.00
Police Dispatch 911		
Salary & Wages	660,000.00	330,000.00
Other Expenses	248,000.00	124,000.00
LOSAP		
Other Expenses	85,000.00	0.00
PFRS		
Other Expenses	916,058.50	1,905,039.00
SFSP Fire District Payments		
Other Expenses	14,229.00	0.00
Clean Communities Act	51,267.57	24,134.34
Monmouth Drug & Alcohol		
Grant Share	28,547.00	28,547.00
Local Share	7,136.00	7,136.00
Recycling tonnage Grant	40,370.49	51,127.94
DDEF	0.00	4,629.47
Body Armor Grant	6,970.90	1,625.00
2008 Green Communities Phase II Grant	3,000.00	0.00
Click It or Ticket	4,000.00	4,000.00
Handicapped Recreation Opportunities Grant		
Grant Share	2,100.00	0.00
Local Match	420.00	0.00

Alcohol Rehab Grant	1,124.46	788.96
NJ Forest Service Grant	0.00	6,967.00
Bond Principal	1,855,000.00	1,518,000.00
Bond Anticipation Notes	41,175.00	41,175.00
Bond Interest	567,500.00	500,000.00
Note Interest	183,610.00	197,675.00
Green Acres Trust - P & I	28,865.00	28,865.00
Capital Lease program		
Principal	274,200.00	287,000.00
Interest	43,569.00	31,055.00
Emergency Authorizations	305,000.00	0.00
Deferred Charges	0.00	
Reserve for Uncollected Taxes	1,900,000.00	0.00
Totals	32,021,046.11	19,827,739.21

Swim Utility

Salary & Wages	435,000.00	400,000.00
Other Expenses	604,762.50	525,000.00
Capital Outlay	60,000.00	30,000.00
Payment of Bond Principal	10,000.00	0.00
Payment of Bond Anticipation Notes		
Payment of Bond Interest	237.50	0.00
Fund Totals	1,110,000.00	955,000.00

Water Utility

Administration		
Salary & Wages	378,370.00	189,185.00
Fringe Benefits	122,135.00	61,067.50
Other Expenses	406,200.00	203,100.00
Cost of Providing Services		
Salary & Wages	494,650.00	247,325.00
Fringe Benefits	155,445.00	77,722.50
Other Expenses	4,260,503.00	2,130,251.50
Payment of Bond Principal	886,321.00	443,160.50
Payment of Bond Anticipation Notes		
Payment of Bond Interest	1,729,168.00	864,584.00
Fund Totals	8,432,792.00	4,216,396.00

The following Res. # 2010-209 (Authorizing Final Payment Housing Affordability Services) was introduced by reference, offered by Council Vice President Marder, seconded Councilwoman Mazzola and was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-209

A RESOLUTION APPROVING A FINAL PAYMENT FOR SERVICES RENDERED TO HOUSING AFFORDABILITY SERVICES WITH RESPECT TO ADVERTISING AND MARKETING COSTS INCURRED FOR THE ADMINISTRATION OF AFFORDABLE HOUSING UNITS IN MARLBORO TOWNSHIP

WHEREAS, the Township of Marlboro has continually used the services of an administrative agent to implement, monitor, and oversee its affordable housing obligations which includes, but is not limited to, the affirmative marketing, sale, and transfer of affordable housing units to potential buyers and/or third parties;

WHEREAS, from 1992 through 2009 Marlboro Township had engaged Housing Affordability Services ("HAS") to act as its administrative agent;

WHEREAS, in 2009 Marlboro Township terminated its relationship with HAS and appointed the Monmouth Housing

Alliance, Inc. d/b/a the Affordable Housing Alliance to act as Marlboro's administrative agent;

WHEREAS, HAS cooperated with Marlboro Township in the transference of all Marlboro's files pertaining to all of its affordable units and HAS has wound up all of the remaining tasks undertaken by it as part of its representation of Marlboro as Marlboro's administrative agent;

WHEREAS, HAS, in reviewing its file, has tendered a final invoice for payment to Marlboro for which this invoice shows an outstanding amount due of \$2,547.07 with said services relating to the advertising and marketing of affordable housing units in Marlboro Township;

WHEREAS, Thomas P. Howley has been appointed Municipal Housing Liaison by the Township of Marlboro and as part of MHL Howley's duties, he is responsible for the review and authorization of any payments from Marlboro Township's Affordability Trust Fund;

WHEREAS, upon receipt of the foregoing invoice from HAS, MHL Howley reviewed said invoice and found that all charges were appropriate, reasonable and customary with the exception of various charges totaling \$633.16 for which HAS did not provide substantiation or backup;

WHEREAS, MHL Howley now recommends to the Marlboro Township Town Council that payment of \$1,913.91 be made to HAS from Marlboro's Affordable Housing Trust Fund with said payment pertaining to services rendered and billed under HAS' final invoice for marketing and advertising expenses incurred for Marlboro's affordable housing units;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, New Jersey, that payment of \$1,913.91 be made to HAS from Marlboro Township's Affordable Housing Trust Fund with said payment representing the final sum due HAS for its services as Marlboro Township's administrative agent; and

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

- a. Township Administrator;
- b. Municipal Housing Liaison Thomas P. Howley;

- c. Chief Financial Officer Ulrich Steinberg;
- d. DeCotiis, Fitzpatrick & Cole, LLP;
- e. Laura Shea, Executive Director, HAS.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Mazzola, seconded Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2010-210 (Redemption Tax Sale Certs. - Various) and Res. # 2010-211 (Refunds for Overpayments - Various).

RESOLUTION # 2010-210

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$13,374.91 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 \$13,374.91 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>
10-45 8 Petra Dr.	119.02/54	Rainbow Associates, LLC P.O. Box 117 Morris Plains, NJ 07950	\$3,023.43
10-160 131 Igoe Rd.	155/18.02	Vasyl or Maria Kavatsiuk 449 Mountain Ave. Berkeley Heights, NJ 07922	5,043.16
10-167 127 Igoe Rd.	155/18.03	Township of Marlboro 1979 Township Drive Marlboro, NJ 07746	5,308.32

TOTAL: \$13,374.91

RESOLUTION # 2010-211

WHEREAS, the attached list in the amount of \$5,007.79 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>
407	22	Kulbir & Kanwaljit Sabharwal 9 Swan Court Marlboro, NJ 07746	\$2,248.14
374	35	BAC Tax Services Corp.	2,759.65
39	Homestead Cir.	CA6-913-LB-01 P.O. Box 10211 Van Nuys, CA 91499-6089 Assessed Owners: Lee John & Patricia Emerson	

TOTAL: \$ 5,007.79

At 8:35PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing potential litigation. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2010-212

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 3rd day of June, 2010 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 items and that such executive session should take approximately 10 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 8:45 PM, Councilman Cantor moved that the meeting be opened. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

Council then discussed setting a special meeting for budget discussion. The following Res. # 2010-214 (Setting Special Budget Meeting - June 10 - 5:30 PM) was introduced by reference, offered by Council Vice President Marder, seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2010-214

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 10, 2010 at 5:30PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to discuss the 2010 Municipal Budget and any other finance related business.

Action will not be taken and Citizen's Voice will be limited to 15 minutes.

At 8:50 PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 15, 2010

OFFERED BY: MAZZOLA

AYES: 4

SECONDED BY: METZGER

NAYS: 0

ABSENT: CANTOR

ALIDA MANCO
MUNICIPAL CLERK

FRANK LaROCCA
COUNCIL PRESIDENT