

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 24, 2011

The Marlboro Township Council held its regularly scheduled meeting on March 24, 2011 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Marder opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed and e-mailed to the Asbury Park Press, the Star Ledger and News Transcript on January 10, 2011; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

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

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 Marder announced the following changes to the March 24th agenda: Res. # 2011-126/Ord. # 2011-8 (Sign Ordinance Amendments) will be changed to a discussion item; Res. # 2011-113/Ord. #2011-3 (Bond Ordinance - Water Capital Improvements) will be tabled to the April 7th agenda and Res. # 2011-124/Ord. # 2011-5 (Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank) will be tabled and placed on the agenda with the Adoption of the 2011 Municipal budget.

Councilman Metzger moved that the minutes of February 3, 15, 17 and 28, 2011 be approved. This was seconded by Councilman LaRocca and passed on a roll call vote of 3 - 1 with Councilwoman Mazzola voting no (Absent: Cantor).

Council President Marder suggested tabling Res. #2011-113/Ord. #2011-3 (Bond Ordinance - Water Capital Improvements) to a future meeting until Council Vice President Cantor is present and motioned to table to the April 7th meeting. This was seconded by Councilman LaRocca and passed on a roll call vote of 3 - 1 in favor of tabling, with Councilwoman Mazzola voting no (Absent: Cantor).

Business Administrator Jonathan Capp asked that Council table Res. #2011-124/Ord. #2011-5 (Exceed Municipal Budget Appropriation Limits and to Establish a Cap Bank) until the budget is adopted at the April 7th meeting. Motion to table was made by Council President Marder, seconded by Councilman LaRocca, and passed on a roll call vote of 3 - 1 in favor of tabling, with Councilwoman Mazzola voting no (Absent: Cantor).

Councilman Metzger motioned to table Res. #2011-125/Ord. #2011-7 (Amending Section 265 - Granting of Scholarships for Recreation Programs), seconded by Councilwoman Mazzola. Discussion by Council followed on the criteria used for the granting of scholarships, etc. Since Council asked for additional information to review the current procedure before taking action, Council President Marder motioned to table the resolution/ordinance to the April 7th meeting. This was seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

The following Res. # 2011-127 (Amending 2011 Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca. Councilwoman Mazzola asked for further clarification on the increases in appropriations. Recess was held and the meeting resumed at 8:25 PM. Business Administrator Jonathan Capp provided further detail on other expenses and the following Res. # 2011-127 (Amending 2011 Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-127

RESOLUTION OF THE TOWNSHIP OF MARLBORO COUNTY OF MONMOUTH,
STATE OF NEW JERSEY TO AMEND THE INTRODUCED BUDGET
IN ACCORDANCE WITH THE PROVISIONS OF 40A:4-9

WHEREAS, the local municipal budget for 2011 was introduced on February 28, 2011; and

WHEREAS, the Public Hearing on said budget has been held as advertised;
and

WHEREAS, the Township Council desires to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth that the following amendments to the introduced budget of 2011 be made:

CURRENT FUND

	<u>FROM</u>	<u>TO</u>
<u>REVENUES</u>		
3 Miscellaneous Revenues Brd of Education - School Resource Officers	20,000.00	0.00
Total Section G: Special Items of Revenue	2,090,594.89	2,070,594.89
Total Misc Revenues	6,459,209.22	6,439,209.22
5 Subtotal General Revenues	12,859,213.01	12,839,213.01
6 (a) Local Tax for Municipal Purposes - Including Reserve for Uncollected Taxes	21,393,580.83	21,346,465.83
7 Total Revenues	34,252,793.84	34,185,678.84

APPROPRIATIONS

(A) Operations - Within "CAPS"		
Police - Salaries & Wages	8,186,481.00	8,088,681.00
Streets & Roads - Salaries & Wages	1,467,588.00	1,381,908.00
Streets & Roads - Other Expenses	34,675.00	120,355.00
Public Works - Salaries & Wages	255,746.00	245,546.00
Public Works - Other Expenses	55,936.00	66,136.00
Buildings & Grounds - Salaries & Wages	339,633.00	324,333.00
Buildings & Grounds - Other Expenses	186,953.00	202,253.00
Parks Maintenance - Salaries & Wages	476,665.00	446,065.00
Parks Maintenance - Other Expenses	20,130.00	50,730.00

	Gasoline	362,679.00	440,479.00
	Total Operations within "CAPS"	22,590,036.00	22,570,036.00
	Total Operations within "CAPS" including Contingent	22,600,036.00	22,580,036.00
	Detail:		
	Salaries & Wages	13,658,977.00	13,419,397.00
	Other Expenses	8,941,059.00	9,160,639.00
8	General Appropriations		
(A)	Operations - Excluded from "CAPS"		
	Monmouth County Drug & Alcohol Alliance Local Cash Match	7,136.00	8,012.00
	Total Operations Excluded from "CAPS"	3,512,125.53	3,513,001.53
	Detail:		
	Other Expenses	2,816,508.53	2,817,384.53
(D)	Municipal Debt Service - Excluded from "CAPS"		
	Payment of Bond Principal	1,582,000.00	1,695,000.00
	Payment of Bond Interest	955,991.00	795,000.00
	Total Municipal Debt Service - Excluded from "CAPS"	2,737,310.00	2,689,319.00
(H-2)	Total General Appropriations for Municipal Purposes - Excluded from "CAPS"	6,969,435.53	6,922,320.53
(O)	Total General Appropriations - Excluded from "CAPS"	6,969,435.53	6,922,320.53
(L)	Subtotal General Appropriations	32,076,291.53	32,009,176.53
9	Total General Appropriations	34,252,793.84	34,185,678.84

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A: 4-9 be published in the Asbury Park Press in the issue of March 30, 2011 and that said publication contain notice of public hearing on the 2011 budget as amended to be held at the Municipal Complex, 1979 Township Drive, Marlboro, NJ on April 7, 2011 at 7 PM.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government

Services for certification of the 2011 Local Municipal Budget as amended and adopted.

The following Res. # 2011-83 (Bond Release Crine Woods, Section 1, 2 and 3) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzger. Discussion followed during which Councilman LaRocca asked for an update on the residents' concerns. T&M Representative Stephen Shallcross was present to address Council's questions. There was a brief discussion between Council members, Business Administrator Jonathan Capp, Louis Rainone, Esq. and Mr. Shallcross. Council President Marder asked if there was anyone present in the audience who resides in Crine Woods. There were no residents. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-83

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES
FOR THE SITE KNOWN AS CRINE WOODS, SECTION 1, 2, AND 3,
BLOCK 193, LOT 50, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Crine Realty, Inc. for release of the Township held Performance Guarantees in the form of a Performance Bond and cash deposit for site improvements ("Public Improvements") on the Site known as "Crine Woods, Section 1, 2, and 3" (the "Site"), property known as Block 193, Lot 50, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Crine Realty, Inc. (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed T&M Associates report dated January 19, 2011, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantees in the form of Performance Bond, Numbers S03215, S03703, and S03966 issued by First Indemnity of America Insurance Company in the amount of \$129,791, \$575,059, and \$322,419, respectively, and cash deposits in the amount of \$14,421, \$63,896, and \$35,824, respectively, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bonds in the amount of \$52,569, \$200,056, and \$44,780, respectively; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of Performance Bond Numbers S03215, S03703, and S03966 issued by First Indemnity of America Insurance Company in the amount of \$129,791, \$575,059, and \$322,419, respectively and cash deposit in the amount of \$14,421, \$63,896, and \$35,824, respectively, posted by the Developer and being held by the Township, be released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$52,569, \$200,056, and \$44,780, respectively; and

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

- a. Crine Realty, Inc.
- b. First Indemnity of America Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution # 2011-98 (Rejection of Bids - Union Hill Cell Tower) was introduced by reference, offered by Councilman Metzger, and seconded by Councilman LaRocca. Discussion followed, during which Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-98

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS FOR LEASE
SPACE AT THE 108 FOOT AND 118 FOOT HEIGHT ELEVATIONS
ON THE TOWNSHIP OWNED WIRELESS TELECOMMUNICATIONS
MONOPOLE FOR CO-LOCATION OF CELLULAR ANTENNAS

WHEREAS, on February 1, 2011, bids were opened for lease space on the Township owned wireless telecommunications monopole for co-location of cellular antennas; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(d) the contracting unit may reject all bids in order to substantially revise the specifications for the goods or services; and

WHEREAS, the Township wishes to substantially revise the specifications for the goods or services and desires to reject all bids; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that all bids heretofore received for lease space on the Township owned wireless telecommunications monopole are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(d).

BE IT FURTHER RESOLVED, that the Business Administrator is hereby authorized and directed to return the bid bond(s) or other security(ies) to the appropriate bidder(s).

The following Resolution #2011-117 (Waiving Requirement of Posting of Maintenance Guarantees - Marlboro Grande - B. 299, L 3) was introduced by reference, offered by Councilwoman Mazzola and seconded by Councilman Metzge. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-117

RESOLUTION WAIVING THE REQUIREMENT OF THE POSTING OF
MAINTENANCE GUARANTEES FOR THE SITE KNOWN AS MARLBORO
GRANDE, #362 NJ STATE HIGHWAY ROUTE 9, BLOCK 299,
LOT 3, TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Royal Pines at Marlboro, LLC, for a waiver of the posting of maintenance guarantees on the Site known as "Marlboro Grande" (the "Site"), property known as Block 299, Lot 3, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Meiterman Holdings, 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 December 2, 2010, regarding the completion of the Public Improvements at the Site, and hereby took the following action;

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #1 in the form of a Bond, No. S11277 issued by First Indemnity of American Insurance Company in the original amount of \$575,110.80, previously

reduced pursuant to Resolution #2008-218 to the amount of \$379,499.04, and cash deposit in the amount of \$63,901.20, previously reduced pursuant to Resolution #2008-218 to the amount of \$42,166.56 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$79,876.50; and

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #2 in the form of a Bond, No. S11278 issued by First Indemnity of American Insurance Company in the original amount of \$635,480.64, previously reduced pursuant to Resolution #2008-218 to the amount of \$194,337.90, and cash deposit in the amount of \$70,608.96, previously reduced pursuant to Resolution #2008-218 to the amount of \$21,593.10 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$88,261.20; and

WHEREAS, pursuant to Resolution #2010-454, Performance Guarantee #3 in the form of a Bond, No. S11279 issued by First Indemnity of American Insurance Company in the original amount of \$558,236.88, previously reduced pursuant to Resolution #2008-218 to the amount of \$510,727.68, and cash deposit in the amount of \$62,026.32, previously reduced pursuant to Resolution #2008-218 to the amount of \$56,747.52 posted by the Developer and being held by the Township, are released in their entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$77,532.90; and

WHEREAS, the development project and the respective improvements are privately owned and maintained, and are not the responsibility of the Municipality, the requirement of the posting of maintenance guarantees as noted above is hereby waived.

NOW, THEREFORE, BE IT RESOLVED, that the condition(s) contained in Resolution #2010-454 for the release of the performance guarantees (FIA Bond Nos. S11277, S11278 and S11279) requiring the posting of a two(2) year fifteen percent maintenance bond(s) for the site known as Marlboro Grande, 362, New Jersey State Highway Route 9, also known as Block 299 Lot 3 on the official tax map of the Township of Marlboro, New Jersey is hereby waived.

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

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

The following Resolution #2011-128 (Authorizing 2011 Mosquito Spraying Program) was introduced by reference, offered by Councilman Metzger, seconded by Councilman LaRocca, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-128

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.

Councilwoman Mazzola recused herself and left the room. The following Resolution #2011-129 (Authorizing Extension of Time to Conclude PILOT Agreement Negotiations - Entron Property) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, Mazzola).

RESOLUTION # 2011-129

A RESOLUTION AUTHORIZING AN EXTENSION OF TIME TO NEGOTIATE A PAYMENT IN LIEU OF TAXES AGREEMENT WITH K-LAND CORPORATION

AS REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 132, LOT 18
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO,
MONMOUTH COUNTY, NEW JERSEY, ALSO DESIGNATED AS
THE "ENTRON INDUSTRIES REDEVELOPMENT AREA".

WHEREAS, On September 10, 2009, the Township Council of the Township of Marlboro ("Township Council") adopted Resolution number 2009-329 accepting the recommendation of the Planning Board and designating the property known as Block 132, Lot 18, on the official tax map of the Township of Marlboro, County of Monmouth, State of New Jersey ("Property") as an area in need redevelopment, known as the "Entron Industries Redevelopment Area"; and

WHEREAS, On August 24, 2010, the Township Council of the Township of Marlboro adopted Resolution number 2010-309 designating K-Land Corporation as the Redeveloper for the Entron Industries Redevelopment Area; and

WHEREAS, By Resolution number 2010-309, the Township Council of the Township of Marlboro authorized the execution of a Redevelopment Agreement with K-Land Corporation for the Entron Industries Redevelopment Area; and

WHEREAS, the Redevelopment Agreement with K-Land Corporation for the Entron Industries Redevelopment Area has been executed and contains a provision for the negotiation of a Financial Agreement known as a Payment in Lieu of Taxes (the "PILOT") Agreement; and

WHEREAS, the parties are negotiating the terms of the PILOT Agreement in good faith and need additional time to finalize the negotiations as to the terms of the PILOT Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that it hereby authorizes an extension of time for the negotiation of a PILOT Agreement between the Township of Marlboro and K-Land Corporation for the Entron Industries Redevelopment Area until May 20, 2011.;

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

- a. K-Land Corporation
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Chief Financial Officer

- f. Kenneth Biedzynski, Esq.
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-130 (Award of Bid - Co-location - 1979 Township Drive) was introduced by reference, offered by Councilman Metzger, seconded by seconded by Councilman LaRocca, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-130

A RESOLUTION AUTHORIZING AWARD OF CO-LOCATOR LICENSE AGREEMENTS TO METRO PCS NEW YORK, LLC AND NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS TO LEASE SPACE ON THE TOWNSHIP OWNED MONOPOLE FOR CO-LOCATION OF CELLULAR ANTENNAE AND LEASE LAND FOR THE CONSTRUCTION OF ANCILLARY SUPPORT EQUIPMENT AND/OR STRUCTURE

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to lease space on the Township owned monopole located at 1979 Township Drive, for co-location of cellular antennae and lease of land for the construction of ancillary support equipment and/or structure (the "License Agreement"); and

WHEREAS, the minimum annual base rent was established at twenty-nine thousand five hundred thirty-three dollars (\$29,533.00) to be paid to the Township of Marlboro for each year in twelve equal monthly installments; and

WHEREAS, two (2) bids were received as follows:

1. Metro PCS New York, LLC
5 Skyline Drive, Hawthorne, NY 10532
\$32,533.00
2. New York SMSA Limited Partnership
d/b/a Verizon Wireless
141 Industrial Parkway, Branchburg, NJ 08876
\$30,001.00

WHEREAS, the Business Administrator and the Township Attorney have reviewed the bids received and recommend that Co-Locator License Agreements be awarded to Metro PCS New York, LLC for an annual base rent of \$32,533.00, as the highest responsive bidder, and to New York SMSA Limited Partnership d/b/a Verizon Wireless for an annual base rent of \$30,001.00. and

WHEREAS, the Mayor and Township Council have indicated their desire to enter into Co-Locator License Agreements with both Metro PCS New York, LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a License Agreement be and is hereby awarded to Metro PCS for the annual base rent of \$32,533.00 and in accordance with the terms and conditions of the bid specifications and that the Mayor is authorized to execute a License Agreement between the Township of Marlboro and Metro PCS, in a form legally acceptable to the Township Attorney; and

BE IT FURTHER RESOLVED, that a License Agreement be and is hereby awarded to New York SMSA Limited Partnership d/b/a Verizon Wireless for the annual base rent of \$30,001.00 and in accordance with the terms and conditions of the bid specifications and that the Mayor is authorized to execute a License Agreement between the Township of Marlboro and New York SMSA Limited Partnership d/b/a Verizon Wireless, in a form legally acceptable to the Township Attorney; and

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

- a. Metro PCS New York, LLC
- b. New York SMSA Limited Partnership
d/b/a Verizon Wireless
- c. Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-131 (Authorizing Contract CAD/RMS Software Maintenance Package) was introduced by reference, offered by Councilman Metzger and seconded by Councilman LaRocca. Discussion followed, during which Chief Hall and Business Administrator Jonathan Capp answered Council's questions. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-131

A RESOLUTION AUTHORIZING AND APPROVING A CONTRACT WITH CODY
COMPUTER SERVICES, INC. FOR CAD/RMS SOFTWARE MAINTENANCE FOR
THE CODY SYSTEM FOR THE MARLBORO TOWNSHIP POLICE DEPARTMENT

WHEREAS, there exists a need for CAD/RMS Software Maintenance for the Marlboro Township Police Department Cody System; and

WHEREAS, under Local Public Contracts law, N.J.S.A. 40A:11-5(1)(dd) a municipality may enter into an agreement for a contract amount that exceeds the bid threshold without public advertising for bids and bidding therefor, by resolution of the municipality's governing body, if such services or goods are in connection with the support or maintenance of proprietary computer hardware and software; and

WHEREAS, the amount of the contract in question is capped at \$22,018.94, for a contract period of May 1, 2011 through April 30, 2012; and

WHEREAS, funds are available for this purpose and have been certified by the Chief Financial Officer in account #1-01- -312-281- in the amount of \$22,018.94; and

WHEREAS, the Local Public Contracts Law, N.J.S.A., 40A:11-1, et seq., as amended, requires that notice of the award of this contract be published once in the Township's official newspaper.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor and the Township Clerk are hereby authorized and directed to sign an agreement with CODY Computer Services, Inc., 1005 East High Street, Pottstown, PA 19464, for a flat fee not to exceed \$22,018.94 for CAD/RMS Software Maintenance for the Marlboro Township Police Department CODY SYSTEM for the contract period of May 1, 2011 through April 30, 2012; and

BE IT FURTHER RESOLVED, that this contract is awarded without public advertising for bids and bidding therefore as an "Exception" in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contract Law; and

BE IT FURTHER RESOLVED, that a Determination of Value shall be placed on file with this Resolution; and

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

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

- a. CODY Computer Services, Inc.
- b. Mayor Jonathan Hornik
- c. Marlboro Township Administrator
- d. Marlboro Township Police Chief

- e. Marlboro Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2011-132 (Authorizing Contract for Emergency Repairs - Pleasant Valley Streambank) 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 # 2011-132

A RESOLUTION CONFIRMING AWARD OF CONTRACT TO BIRD CONSTRUCTION
FOR EMERGENCY IMPROVEMENTS TO PLEASANT VALLEY ROAD FOR
THE TOWNSHIP OF MARLBORO DEPARTMENT

WHEREAS, the Township Engineer notified this office of an emergent situation concerning streambank and roadside erosion on Pleasant Valley Road at the Willow Brook; and

WHEREAS, in accordance with N.J.S.A. 40A:11-6, the Township immediately initiated the design of a stream bank stabilization method and submission of an emergency permit application to the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the Township was granted an emergency permit by NJDEP on January 4, 2011 and immediately solicited quotations to complete the work authorized under the permit; and

WHEREAS, three (3) quotations were received for "Pleasant Valley Road Streambank Stabilization" as follows:

Bird Construction	Bayville	288,782.25
Lucas Brothers, Inc.	Morganville	309,995.25
Sambol Construction Corp.	Toms River	314,745.00

; and

WHEREAS, Bird Construction furnished the lowest quote and an emergency contract was awarded accordingly pursuant to N.J.S.A 40A:11-6; and

WHEREAS, funds are available for the emergency contract in account # X-04-55-968-905.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro confirms the award of contract pursuant to N.J.S.A 40A:11-6 to Bird Construction for emergency

improvements under the NJDEP emergency permit to the streambank and roadside on Pleasant Valley Road at the Willow Brook in an amount not to exceed \$123,647.50.

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

- a. Bird Construction
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Director of Public Works
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole LLP

The following Resolution #2011-133 (Authorizing Fireworks - Recreation) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-133

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO INTERNATIONAL FIREWORKS MFG. CO, INC.

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Official of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, INTERNATIONAL FIREWORKS MFG. CO, INC. ("Vendor"), has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 10, 2011 (with a rain date of July 24, 2011) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to INTERNATIONAL FIREWORKS MFG. CO, INC. to conduct a fireworks display on July 10, 2011 (with a rain date of July 24, 2011) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the above;

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. International Fireworks Mfg. Co, Inc.
2. Mayor Jonathan L. Hornik
3. The Chief of the Police and Fire Department.
4. The Fire Prevention Bureau.
5. Township Business Administrator.
6. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution #2011-134 (Authorizing Purchase of Tickets through NJRPA) was introduced by reference, offered by Councilman LaRocca, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2011-134

WHEREAS, the New Jersey Recreation & Parks Association (NJRPA) is a not-for-profit Professional organization which provides a variety of services to recreation organizations throughout the State of New Jersey; and

WHEREAS, the Township of Marlboro Department of Recreation is a member of the NJRPA; and

WHEREAS, the Department of Recreation utilizes the services of the NJRPA for its Camp and Teen Programs, and for professional recreation training; and

WHEREAS, the NJRPA sponsors a "Community Service Summer Discount Program" which enables the Department of Recreation to purchase tickets for a variety of events at a substantial discount; and

WHEREAS, the total value of the services to be provided for 2011 are estimated at and shall not exceed \$57,000.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # T-17-56-867-817.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the Township Council of the Township of Marlboro, hereby authorizes the Mayor and Town Clerk to execute an agreement with the NJRPA, 13 April Lane, Somerset, NJ 08873-5301 for the services described above.

The following Resolution #2011-135 (Authorizing Refund of Fees - Marlboro Jewish Center) 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 # 2011-135

A RESOLUTION AUTHORIZING THE REFUND OF FEES TO THE MARLBORO JEWISH CENTER FROM CERTAIN FEES UNDER THE UNIFORM CONSTRUCTION CODE

WHEREAS, §125-7 of the Code of the Township of Marlboro provides that, "Charitable, philanthropic, fraternal, athletic, recreational and religious nonprofit organizations holding a tax-exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall be eligible for a refund of (50%) of the Uniform Construction Code (UCC) fees set forth in Section 125-3A(1) "Alterations, repairs and remodeling" paid since October 1, 2010 excluding the Surcharge Fee to the New Jersey Department of Community Affairs provided for in Section 125-5 upon receipt of satisfactory proof of qualifications; and

WHEREAS, the above-referenced Code Section requires that a qualifying entity must submit an application for exemption to the Township Council, along with proof of the qualifying entity's tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. §501(c) or (d)]; and

WHEREAS, the Marlboro Jewish Center (the "Applicant") has submitted a request for a refund pertaining to permits taken for building improvements on its property, known as Block 339, Lot 91 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey; and

WHEREAS, the Applicant has provided proof of its status as a duly formed religious non-profit organization and of its tax exempt status pursuant to 26 U.S.C. §501(c) or (d); and

WHEREAS, the Township Council of the Township of Marlboro deems it proper and in conformance with the stated policies of the Township of Marlboro to grant the Applicant's requested refund and desires to confirm same by resolution in accordance with the provisions of §125-7 of the Township Code.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a refund be issued to the Marlboro Jewish Center in accordance with its application to the Construction Code Official described hereinabove; and

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

- a. Marlboro Jewish Center
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Construction Code Official
- e. Township Chief Financial Officer
- f. DeCotiis, FitzPatrick & Cole, LLP

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. #2011-136 (Authorizing Refund of Fees - Marlboro Jewish Center), Res. #2011-137 (Tax Court Judgment Refund - B. 180, L. 21 - Gherman), Res. #2011-138 (Tax Court Judgment Refund - B. 180, L. 24 - Kang/Ming), Res. #2011-139 (Tax Court Judgment Refund - B. 420.01, L. 2 - Kowalski), Res. #2011-140 (Tax Court Judgment Refund - B. 180, L. 25 - Lieberman), Res. #2011-141 (Refunds for Overpayments - Various), Res. #2011-142 (Redemption Tax Sale Certs. - Various), Res. #2011-143 (Redemption Tax Sale Certs. (2) - Various) and Res. #2011-144 (Tax Sale Charges).

RESOLUTION # 2011-136

RESOLUTION AUTHORIZING THE TAX COLLECTOR OF THE TOWNSHIP OF MARLBORO TO ENTER INTO AN INSTALLMENT PAYMENT AGREEMENT FOR THE COLLECTION/PAYMENT OF DELINQUENT WATER SERVICE CHARGES

WHEREAS, the provisions of N.J.S.A. 40A:31-12 empower the governing body of a local municipal unit to authorize the payment and liquidation

of delinquent water service charges on an installment basis in accordance with the provisions of *N.J.S.A. 54:5-19*; and

WHEREAS, the provisions of *N.J.S.A. 54:5-19* authorize installment payment agreements to be entered into between a municipal tax collector and the owner or owners of real property for the payment of property tax arrears and other charges that would constitute a lien against real property, including delinquent water service charges, provided that any such agreement is duly authorized by a general or special resolution, duly adopted by the municipal governing body, and provided, further, that the terms of any such agreement comply with the requirements and limitations set forth in *N.J.S.A. 54:5-19*; and

WHEREAS, Robert F. Byrne and Veronica H. Byrne, the owner of 2 Brunswick Drive, which is designated as Block 305, Lot 170 on the Official Tax Map of the Township of Marlboro (hereinafter referred to as "Customer"), is a customer of the Marlboro Township Water Utility Division, receiving water service under Account Number B02535 and Account ID Number 7599; and

WHEREAS, Customer has a delinquent Account balance of \$632.30, which is attributable to water service for the quarterly period ended January 31, 2011, and which was due for payment by February 28, 2011; and

WHEREAS, Customer has asserted a financial hardship with respect to the payment of the aforementioned past due water charges and has made a request for an installment payment plan in order to retire and fully pay said obligation; and

WHEREAS, Kelly A. Hahn, the Marlboro Township Tax Collector has requested approval from the Township Council of the Township of Marlboro to enter into an installment payment agreement with Customer and has presented a proposed form of agreement to the Township Council for review and consideration; and

WHEREAS, the aforesaid installment payment agreement, a copy of which is attached hereto as Exhibit A, complies with the provisions of *N.J.S.A. 54:5-19*, in that the agreement makes adequate provision for:

- The complete payment of all arrearages within the maximum period of time specified in the statute;
- The accrual, assessment, and payment of all statutory interest, as well as all administrative and delinquent charges, to which the Township of Marlboro is entitled;

- The prompt payment of all installments of arrears, as well as the prompt payment of future water service charges as same become due and owing;
- The termination of the installment payment arrangement in the event of any default by the Customer in complying with the terms of the agreement, including failure to remit all payments promptly, in which event the lien for outstanding water service charges shall be enforced as provided by law; and
- The right and entitlement of the Township of Marlboro to pursue all statutory and lawful remedies against the Customer in the event of a default, including, without limitation, the discontinuance of water service to the Customer's real property; and

WHEREAS, the Township of Marlboro wishes to acknowledge and accept the Customer's declaration of financial hardship, with the goal of collecting 100% of the amount due and owing to the Township in a reasonable, practical, and efficient manner;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Marlboro that authorization is hereby given to Kelly A. Hahn, the Tax Collector of Marlboro Township, to enter into an installment payment agreement with Customer for the payment of past due water service charges totaling \$532.30, with the form of the agreement being substantially similar to that attached hereto and made a part hereof as Exhibit A; and

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

- a. Jonathan L. Hornik, Mayor
- b. Randi Marder, Council President
- c. Jonathan A. Capp, Business Administrator
- d. Alida Manco, Township Clerk
- e. Kelly A. Hahn, Tax Collector
- f. Robert F. Byrne and Veronica H. Byrne (Customer)
- g. DeCotiis, Fitzpatrick & Cole, LLP

RESOLUTION # 2011-137

WHEREAS, the Tax Court of New Jersey has granted a judgment for the 2010 taxes in the amount of \$2,522.51 on Block 180 Lot 21, located at 9 Evan Drive, assessed to David and Debra Gherman,

WHEREAS, taxes for the year 2010 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,522.51 as stated above.

RESOLUTION # 2011-138

WHEREAS, the Tax Court of New Jersey has granted a judgment for the 2010 taxes in the amount of \$2,018.00 on Block 180 Lot 24, located at 15 Evan Drive, assessed to Yong Kang & Sue Xue Ming,

WHEREAS, taxes for the year 2010 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$2,018.00 as stated above.

RESOLUTION # 2011-139

WHEREAS, the Tax Court of New Jersey has granted a judgment for the 2010 taxes in the amount of \$3,572.78 on Block 420.02 Lot 2, located at 9 Diamond Hill Road, assessed to Kevin M. & Michelle Kowaleski,

WHEREAS, taxes for the year 2010 have been paid in full on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,572.78 as stated above.

RESOLUTION # 2011-140

WHEREAS, the Tax Court of New Jersey has granted a judgment for the 2010 taxes in the amount of \$3,138.00 on Block 180 Lot 25, located at 17 Evan Drive, assessed to Henry and Sonia Lieberman,

WHEREAS, taxes for the year 2010 have been paid in full

on the above-mentioned block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,138.00 as stated above.

RESOLUTION # 2011-141

WHEREAS, the attached list in the amount of \$2,451.09 known as Schedule "A", is comprised of amounts representing overpayments for 2011 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>2011 REFUND</u>
412	15	Marc & Jodi Sherman 29 Steeplechase Dr. Marlboro, NJ 07746	\$2,451.09

RESOLUTION #2011-142

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$132,317.30 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$132,317.30 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
09-100 44 Vista Dr.	305/61	US Bank CUST for CCTS Capital, LLC Tax Lien Service Group	\$19,387.96

		2 Liberty Place 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owner: Rosalie Shaw	
09-52	160/66	US Bank CUST for CCTS Capital, LLC Tax Lien Service Group 2 Liberty Place 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owners: Anthony & Cindy Spadola	5,546.41
08-5	146/36	Crusader Lien Services 115 West Avenue Suite 300 Jenkintown, PA 19046 Assessed Owner: Debbie Cisson	49,357.85
10-8	130/4	US Bank TLSG 50 S. 16 th Street Suite 1950 Philadelphia, PA 19102 Assessed Owners: Jeannie & Christopher Orsini	1,019.25
10-122	193.06/11	Josef Hoffmann 326 Shady Lane Trenton, NJ 08619 Assessed Owner: Roman Shaposhnikov	1,071.12
10-72	120.02/14	FNA Jersey Lien Service, LLC P.O. Box 1030 Brick, NJ 08723 Assessed Owners: Robert V. & Carol Brienza	1,081.89
10-30	373/15	US Bank CUST for Pro Capital I, LLC 50 S. 16 th St. Suite 1950	545.25
415 Coral Ct.			
321 Tylers Ln.			
9 Wilson Ave.			
80 Station Rd.			
416 Ironwood Ln.			
2 Harvest Ct.			

		Philadelphia, PA Assessed Owner: Bonnie A. Gabizon	
10-7	122/2	US Bank CUST for Pro Capital I, LLC 50 S. 16 th St. Suite 1950 Philadelphia, PA Assessed Owner: Melissa Folgore	776.72
2 Orchard Pkwy.			
10-154	315/25	Brian Walsh 111 Sandalwood Dr. Marlboro, NJ 07746 Assessed Owners: Frank J. & Jill Rammainone	1,384.37
177 Gordons Corner Rd.			
08-65	396/1 C0234	Mary Tawadros 889 Old Bridge Tpk. East Brunswick, NJ 08816 Assessed Owner: Jose G. Cruz	2,155.55
234 Plum Dr.			
10-70	396/1 C0234	Marc Markowitz 238 Yellowknife Rd. Morganville, NJ 07751 Assessed Owner: Jose G. Cruz	983.64
234 Plum Dr.			
08-35	417/8.02	N.or D. Remick Trustee P.O. Box 39 Barnegat, NJ 08005 Assessed Owner: WM Custom Builders, LLC	12,614.62
89 Buckley Rd.			
08-36	417/8.03	JN Properties 175 Market Street #301 Paterson, NJ 07505 Assessed Owner: WM Custom Builders, LLC	23,982.16
91 Buckley Rd.			

10-65	417/8.02	N. or D. Remick	2,991.39
89 Buckley Rd.		P.O. Box 39	
		Barnegat, NJ 08005	
		Assessed Owner:	
		WM Custom Builders, LLC	
10-109	401/17	US Bank Corporate	8,288.72
26 Cannonade Drive		Trust Services	
		Tax Lien Service Group	
		2 Liberty Place	
		50 So. 16 th Street	
		Suite 1950	
		Philadelphia, PA	
		19102	
		Assessed Owners:	
		Dennis & Joann Hunt	
10-159	146/13	Vasyl or Maria	1,130.40
Wooleytown Rd.		Kavatsiuk	
		449 Mountain Ave.	
		Berkeley Heights, NJ	
		07922	
		Assessed Owners:	
		James M. & Ethel D. Woods	

TOTAL: \$132,317.30

RESOLUTION # 2011-143

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$24,109.64 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 \$24,109.64 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>
10-133	231/17	Royal Tax Lien	\$24,109.64
58 School Rd. West		Services, LLC	

179 Washington Lane
Jenkintown, PA 19046
Assessed Owner:
Crystal Cove Estates, LLC

RESOLUTION # 2011-144

WHEREAS, the Township of Marlboro will hold a
Tax Sale on April 6th, 2011; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq,
the Township of Marlboro is entitled to recover costs in
connection with the tax sale including, but not limited to,
advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost
of processing and administering all phases of the Tax Sale
process against only the taxpayers who are delinquent and
are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of
the Township of Marlboro that, Kelly A. Hahn, Tax
Collector, be and hereby is authorized and directed to
charge and collect a fee of 2% per line item of the amounts
to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

There was no Closed Session.

At 8:45PM, Councilman Metzger moved that the meeting be adjourned. This
was seconded by Councilwoman Mazzola and passed on a roll call vote of
4 - 0 in favor (Absent: Cantor).

MINUTES APPROVED: April 7, 2011

OFFERED BY:	La Rocca	AYES:	4
SECONDED BY:	Mazzola	NAYS:	0
		ABSENT:	Cantor

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT