

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

October 6, 2011

The Marlboro Township Council held its regularly scheduled meeting on October 6, 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: Council Vice President Cantor, Councilman LaRocca, Councilwoman Mazzola, Councilman Metzger and Council President Marder.

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

Council President Marder opened the Public Hearing on Ordinance #2011-22. After the Public Hearing was held and closed, the following Resolution #2011-362/Ordinance #2011-22 (Amending Chapter 171, "Fees" To Establish Fees for Administration of "Reward" Type Program) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-362

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

ORDINANCE # 2011-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 171,
"FEES", TO ESTABLISH LICENSING FEES FOR THE
ADMINISTRATION OF "REWARD" TYPE PROGRAMS

which was introduced on September 22, 2011, public hearing held
October 6, 2011, be adopted on second and final reading this 6th day of
October, 2011.

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

The following Resolution #2011-363 (Authorizing Application to Dept. of
Health & Senior Services for Reimbursement from Hepatitis Inoc. Fund)
was introduced by reference, offered by Councilman Metzger, seconded by
Council Vice President Cantor, and passed on a roll call vote of 5 - 0
in favor.

RESOLUTION # 2011-363

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY FOR
REIMBURSEMENT OF COSTS OF HEPATITIS B INOCULATIONS FROM THE NEW JERSEY
DEPARTMENT OF HEALTH AND SENIOR SERVICES

WHEREAS, the New Jersey Department of Health and Senior Services
has announced that funds are available from the Hepatitis Inoculation
Fund for the reimbursement of costs of hepatitis B inoculations for
certain emergency medical technicians, firefighters and police
officers.; and

WHEREAS, each municipality may receive up to \$5,000 in
reimbursement for the cost of protecting its emergency medical
technicians, firefighters and police officers against hepatitis B; and

WHEREAS, payments of funds to municipalities will be based on the
collection of state forfeiture recoveries from confiscated property that
had been involved in illegal activity; and

WHEREAS, the Township wishes to apply for reimbursement from the
New Jersey Department of Health and Senior Services for up to the
maximum amount of funding available.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township
Council of the Township of Marlboro that the Township is hereby
authorized to submit an application to the New Jersey Department of

Health and Senior Services and execute an agreement for reimbursement from the Hepatitis Inoculation Fund.

The following Resolution #2011-364 (Authorizing Subordination of Mortgage - 11 Prescott Drive) was introduced by reference, offered by Councilwoman Mazzola, seconded by Councilman Metzger, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2011-364

A RESOLUTION OF THE TOWNSHIP OF MARLBORO TOWN COUNCIL
AUTHORIZING A SUBORDINATION OF A MORTGAGE AND MORTGAGE NOTE DATED
MARCH 17, 2011, ON A PROPERTY LOCATED AT 11 PRESCOTT DRIVE, MARLBORO,
NEW JERSEY, AND OWNED BY GAETANO IGNARRA AND PAULA HEALY-IGNARRA H/W

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

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

WHEREAS, on or about December 13, 2008, the homeowners hereunder, Gaetano Ignarra and Paula Healy-Ignarra ("the Homeowners"), purchased a residence at 11 Prescott Drive in the Township of Marlboro, Block 232, Lot 5 ("the Residence") with said deed being recorded on December 16, 2008, in the Monmouth County Clerk's Office in deed book OR-8750, at page 221 et seq.; and

WHEREAS, as part of this purchase the Homeowners assumed the obligations of a first mortgage against the Residence which had been given to World Savings by Rosalie Healy (the prior owner) on or about September 12, 2003, with said mortgage being recorded on December 13, 2004, in the Monmouth County Clerk's Office in deed book OR-8316, at page 301 et seq.; and

WHEREAS, said assumption (the foregoing mortgage was now in the name of Wachovia Bank), which was dated February 13, 2009, was recorded in the Monmouth County Clerk's Office on February 18, 2009, at deed book OR-8757, at page 4235 ("the Wachovia Mortgage"); and

WHEREAS, the Homeowners had subsequently made application to Marlboro Township's rehabilitation program and they qualified for a loan

in order to correct code violations and to correct substandard conditions at the Residence in furtherance of Marlboro's rehabilitation program; and

WHEREAS, the stated repairs had been made to the Residence in compliance with the rehabilitation program's dictates; and

WHEREAS, as a condition of approval into the rehabilitation program Marlboro Township held (and continues to hold) a "Deferred Payment Loan" mortgage in the amount of \$17,890.00 regarding the Residence (this obligation was similarly secured by a note of the same date) ("the Marlboro Mortgage") with said mortgage being recorded in the Monmouth County Clerk's Office on July 5, 2011, in deed book OR-8897 at page 3182; and

WHEREAS, the Homeowners now desire to refinance the Wachovia Mortgage through Guaranteed Rate and as part and parcel of same, a subordination of the Marlboro Mortgage is necessary; and

WHEREAS, Guaranteed Rate desires—as part of the refinance—to place a first lien priority mortgage on the Residence; and

WHEREAS, Guaranteed Rate and the Homeowners have requested that the Township of Marlboro subordinate the Marlboro Mortgage to the new loan to facilitate the refinance; and

WHEREAS, it has been determined that there is enough equity in the Residence to subordinate the Marlboro Mortgage to the new loan to be given by Guaranteed Rate and that there is good cause to do so;

NOW, THEREFORE, BE IT RESOLVED that the Hon. Mayor Jonathan L. Hornik is hereby authorized to execute the attached subordination of the Marlboro Mortgage on the Residence; and

BE IT FURTHER RESOLVED that subsequent to the signature of the said subordination that this subordination will be recorded in the Monmouth County Clerk's Office.

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

- a. Mayor Jonathan L. Hornik
- b. Township Business Administrator, Jon Capp
- c. Thomas P. Howley, Municipal Housing Liaison
- d. Township Attorney, DeCotiis, Fitzpatrick, & Cole, LLP
- e. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Councilwoman Mazzola and as there was no objection, the Clerk was asked to cast one ballot: Res. #2011-365 (Refunds for Overbilled Taxes), Res. #2011-366 (Refund for Mon. County Appeal - B. 143, L 22), Res. #2011-367 (Refund for Mon. County Appeal - B. 363.02, L 20), Res. #2011-368 (Refund for Mon. County Appeal - B 155, L 16.51), Res. #2011-369 (Refunds for Overpayments - Various), Res. #2011-370 (Disabled Veteran Exemption - B 153, L 127), Res. #2011-371 (Redemption Tax Sale Certs. - Various), Res. #2011-372 (Refund for Tax Court Judgment - B 153, L 124) and Res. #2011-373 (Refunds to WMUA - Various).

RESOLUTION # 2011-365

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2011 and,

WHEREAS, the 2011 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$2,177.40 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
288	29	C0103	Cathleen R. Roberts 103 Sunnymede Street Englishtown, NJ 07726	94.06
412	165.07		Pelican Court, LLC 51 East Main Street Holmdel, NJ 07733	1,046.61
412	165.08		Pelican Court, LLC 51 East Main Street Holmdel, NJ 07733	1,036.73
TOTAL:				2,177.40

RESOLUTION # 2011-366

WHEREAS, the Monmouth County Board of Taxation has granted an added assessment appeal in the amount of \$913.16 for the year 2010 for Block 143 Lot 22, located 89 Nolan Road, assessed to Rush Leslie Hauser & James J,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$913.16,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$913.16 to Rush Leslie Hauser & James J.

RESOLUTION # 2011-367

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$751.28 for the year 2011 for Block 363.02 Lot 20, located at 14 Brush Neck Road, assessed to Calanni, Rosario & Patricia,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$751.28.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$751.28 to Calanni, Rosario & Patricia.

RESOLUTION # 2011-368

WHEREAS, the Monmouth County Board of Taxation has granted an appeal in the amount of \$1,571.53 for the year 2011 for Block 155 Lot 16.51, located at 201 Apache Trail, assessed to Sangari, Manjit & Rajinder,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,571.53.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,571.53 to Sangari, Manjit & Rajinder.

RESOLUTION # 2011-369

WHEREAS, the attached list in the amount of \$7,060.71 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",

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2011 REFUND</u>
364	30.02	Frank, Martin 145 School Road East Marlboro, NJ 07746	30.78
207	3	Route 79 LLC 45 Roberts Road Holmdel, NJ 07733 Prop. Loc.: 200 Route 79	112.59
143	21.01	Stewart, Paul & Beverly 51 Cresci Blvd. Hazlet, NJ 07730 Prop. Loc.: 105 Nolan Rd.	55.34
132	33	Thomson, Lawrence J. & Tatiana A. 107 Beacon Hill Rd. Morganville, NJ 07751 Prop. Loc.: Beacon Hill Rd.	29.30
101	14	Fariello Estate C/O Wm. J. Wolf, Esq. One Airport Rd., POB 2043 Lakewood, NJ 08701 Prop. Loc.: Ticetown Rd.	13.24
101	15	Fariello Estate C/O Wm. J. Wolf, Esq. One Airport Rd., POB 2043 Lakewood, NJ 08701 Prop. Loc.: Ticetown Rd.	30.39
419	11	Pace, Pasquale & Litizia 17 Moore Road Marlboro, NJ 07746	28.32

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2011 REFUND</u>
419	3	Pace, Pasquale & Litizia	52.52
QFarm		17 Moore Road Marlboro, NJ 07746	
412	312	Zhang, Lei & Nancy	2,320.02
		57 Barn Swallow Blvd. Marlboro, NJ 07746	
267	40	Masters, Wayne Bart & Linda S.	11.74
		395 Tennent Road Morganville, NJ 07751	
180.01	18	Uribe, Luis & Colleen	1,462.74
		200 Deerfield Road Morganville, NJ 07751	
170	11	Zimny, Aleksander & Magdalena	154.08
QFarm		35 Harbor Road Morganville, NJ 07751 Prop. Loc.: Harbor Rd.	
374	35	Emerson, Lee John & Patricia	2,759.65
		39 Homestead Circle Marlboro, NJ 07746	
			\$7,060.71
TOTAL:			

RESOLUTION # 2011-370

WHEREAS, the Tax Assessor has granted a disabled Veteran exemption for Saltzman, Allen Block 153 Lot 127, located at 8 Doree Road,

WHEREAS, taxes were billed for 2011 in the amount of \$14,298.34, and

WHEREAS, this exemption became effective January 1, 2011 and taxes were paid for the first three quarters of 2011, the above mentioned taxpayer is due a refund of \$10,492.71 and,

WHEREAS, the remaining 2011 taxes of \$ 3,555.63 need to be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro to direct the Tax Collector to refund the amount of \$10,492.71 to Saltzman, Allen and cancel the remaining balance of \$3,555.63.

RESOLUTION # 2011-371

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$23,504.93 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 \$23,504.93 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>
10-128	176/98	Royal Tax Lien Services, LLC	\$ 23,504.93
10 E. Frances Ave.		179 Washington Lane Jenkintown, PA 19046	

RESOLUTION # 2011-372

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$808.77 for the year 2010 for Block 153, Lot 124, located at 9 Beaver Hill Road, assessed to Anselmo, Joseph & Mary Ann,

WHEREAS, the 2010 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$808.77.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$ 808.77 to Anselmo, Joseph & Mary Ann.

RESOLUTION # 2011-373

WHEREAS, current sewer charges totaling \$ 7,189.38 been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$ 7,189.38 be refunded to Western Monmouth Utilities Authority.

Schedule "A"

<u>TSC#</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Sewer Acct.</u>	<u>Lienholder</u>	<u>Amount</u>
11-56	125	4		10548	Phoenix Funding	127.02
16 Wilson Ave						
11-57	178	290	C0171	21653	Phoenix Funding	110.68
171 Nathan Drive						
10-40	178	2	C0147	13411	Nasdom, LLC	222.92
147 Tanglewood Place						
08-2	107	7		9592	Nasdom, LLC	335.92
13 Wicker Place						
11-6	176	7	C0719	16980	Nasdom, LLC	405.36
719 Montana Drive						
11-10	412	307	C0048	22413	Nasdom, LLC	406.97
48 Thrasher Court						
11-11	123	3		8954	Rosehill Fund 1, LLC	121.69
3 Tennent Road						
11-102	178	290	C0112	21877	Changsheng Lu	403.48
112 Nathan Drive						
11-63	283	2		4479	Income One, LLC	454.44
4 Dickinson Lane						
10-107	395	9		14451	USB- Crestar Capital, LLC	353.43
1 Sycamore Court						
10-108	396	1	C0294	16229	USB- Crestar Capital, LLC	352.41
294 Plum Drive						
09-21	213	17		2928	Richard Pisciotta	120.99
11 Quincy Street						
11-30	106	4		8289	Virgo Municipal Finance Fund LP Series 3	370.60
31 Wicker Place						

Schedule "A" cont.

<u>TSC#</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Sewer Acct.</u>	<u>Lienholder</u>	<u>Amount</u>
11-31 44	119.01 Rachael Drive	33		18770	Virgo Municipal Finance Fund LP Series 3	452.12
10-149 4	180 Evan Drive	45		15459	Brian Walsh	125.02
11-42 271	178 Stratford Place	2	C0271	12612	BJI Financial Group, Inc.	121.83
11-44 22	214.05 Graversham Drive	11		20262	BJI Financial Group, Inc.	127.05
11-48 23	295 Marc Drive	13		9545	BJI Financial Group, Inc.	127.05
11-49 72	304 Church Road	9		5036	BJI Financial Group, Inc.	123.63
11-53 295	396 Plum Drive	1		16260	BJI Financial Group, Inc.	121.81
11-54 20	412.03 Warbler Road	10		19703	BJI Financial Group, Inc.	121.60
11-55 40	412.04 Kingfisher Court	12		20083	BJI Financial Group, Inc.	123.66
11-75 16	320 Jennifer Court	4		13728	Ace Plus, LLC	462.12
11-76 7	331 Foxcroft Drive	4		4411	Ace Plus, LLC	222.92
11-78 1	334 Woodstock Court	24		5159	Ace Plus, LLC	369.98
11-79 87	378 Peasley Drive	33		15127	Ace Plus, LLC	109.00
10-3 42	109 Wicker Place	5		8407	Pro Capital Fund 1, LLC	340.09

Schedule "A" cont.

<u>TSC#</u>	<u>Block</u>	<u>Lot</u>	<u>Qual.</u>	<u>Sewer Acct.</u>	<u>Lienholder</u>	<u>Amount</u>
10-9	143.09	16		20784	Pro Capital Fund 1, LLC	455.59
						<u>Total: \$ 7,189.38</u>

At 8:00 PM, Councilman LaRocca moved that the meeting be adjourned. This was seconded by Councilman Metzger, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 3, 2011

OFFERED BY: MAZZOLA AYES: 5

SECONDED BY: METZGER NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

RANDI MARDER,
COUNCIL PRESIDENT