

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 18, 2015

The Marlboro Township Council held its regularly scheduled Meeting on June 18, 2015 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Police Explorer Post 105 Color Guard led the Pledge of Allegiance.

Council President Metzger 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 13, 2015; 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 Cantor, Councilwoman Marder, Council Vice President Mazzola, Councilman Scalea and Council President Metzger.

Also present were: Louis N. Rainone, Esq., Business Administrator Jonathan Capp and Municipal Clerk Alida Manco

Council Vice President Mazzola moved that the minutes of May 21, 2015 be approved. This was seconded by Council President Metzger, and passed on a roll call vote of 3 - 0 in favor, with Councilwoman Marder and Councilman Scalea abstaining.

Council President Metzger opened the Public Hearing on the CDBG Grant Application. Business Administrator Jonathan Capp stated that the application consists of several roadway and drainage improvements that are required within the Greenbriar Development. As there was no one who wished to speak, the Public Hearing was closed.

The following Res. #2015-219 (Renewal Liquor Licenses - 2015-16) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2015-219

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2015 through June 30, 2016.

- |  |                 |
|--|-----------------|
| 1. Worthwhile, Inc.<br>T/A Cambridge Spirits Unlimited | 1328 44 016 003 |
| 2. Briad Restaurant Group,L.L.C.<br>T/A TGI Fridays    | 1328 33 017 002 |
| 3. Exit 123 Liquors, LLC<br>T/A Wine Academy           | 1328 44 021 001 |
| 4. M. S. D. Enterprise, Inc.<br>T/A Martucci's Deli    | 1328 44 009 004 |
| 5. Just Sports Bar & Grill<br>T/A Fireside Grill & Bar | 1328 33 003 004 |
| 6. Rosalita's Roadside Cantina                         | 1328 33 018 002 |
| 7. S & A Route 79, Inc.<br>T/A Crown Palace            | 1328 33 005 008 |

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

Councilwoman Marder recused herself and left the room. The following Resolution #2015-220 (Bond Release Rosemont Estates B 193, L 51) was introduced by reference, offered by Councilman Scalea and seconded by Council Vice President Mazzola. Discussion followed, during which CME Engineer Trevor Taylor described the process to resolve issues for the bond release. He stated that they had met with the homeowners' association and various residents and their issues were addressed. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2015-220

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR THE SITE KNOWN AS ROSEMONT ESTATES AT ROSEMONT ESTATES II, LLC, BLOCK 193, LOT 51, 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 Rosemont Estates II, LLC for release of the Township held Performance Guarantees in the form of a Bond and Letter of Credit for site improvements to Section 1 through Section 4("Public Improvements") on the Site known as "Rosemont Estates" (the "Site"), property known as Block 193, Lot 51, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Rosemont Estates II, 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 27, 2015, 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 for Section 1 recommends that the current Performance Guarantee in the form of a Bond, Bond No. #B34227432 issued by St. Paul Travelers Bond in the original amount of \$2,239,115.62, and current value of \$670,330.88 and Letter of Credit No. #1005-SB issued by Connect One Bank in the original amount of \$248,790.62, and current amount of \$74,481.21 (excluding accrued interest) 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 \$310,988.28; and

WHEREAS, the aforesaid report for Section II recommends that the current Performance Guarantee in the form of a Bond, Bond No. #0371039 issued by International Fidelity Bond in the original amount of \$968,749.74, and current value of \$514,165.59 and Letter of Credit No. #2006-SB issued by Connect One Bank in the original in the amount of \$107,638.86, and current amount of \$57,129.51 (excluding accrued interest) 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 \$134,548.58; and

WHEREAS, the aforesaid report for Section III recommends that the current Performance Guarantee in the form of a Bond, Bond No. #0380637 issued by International Fidelity Bond in the original amount of \$1,396,235.38, and current value of \$598,606.87 and Letter of Credit No. #1007-SB issued by Connect One Bank in the original in the amount of \$155,137.26, and current amount of \$66,511.87 (excluding accrued interest) 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 \$193,921.58; and

WHEREAS, the aforesaid report for Section IV recommends that the current Performance Guarantee in the form of a Bond, Bond No. #0380636 issued by International Fidelity Bond in the original amount of \$526,431.37, and current value of \$331,177.07 and Letter of Credit No. #1008-SB issued by Connect One Bank in the original in the amount of \$58,492.37, and current amount of \$36,864.12 (excluding accrued interest) 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 \$73,115.47; 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 for Section I in the form of a Bond, Bond No. B34227432 issued by St. Paul Travelers Bond in the original amount of \$2,239,115.62, and current value of \$670,330.88 and Letter of Credit No. #1005-SB issued by Connect Bank in the original amount of \$248,790.62, and current amount of \$74,481.21 (excluding accrued interest) 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 \$310,988.28; and

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 for Section II in the form of a Bond, Bond No. #0371039 issued by International Fidelity Bond in the original amount of \$968,749.74, and current value of \$514,165.59 and Letter of Credit No. #1006-SB issued by Connect One Bank in the original in the amount of \$107,638.86, and current amount of \$57,129.51 (excluding accrued interest) 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 \$134,548.58; and

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 for Section III in the form of a Bond, Bond No. #0380637 issued by International Fidelity Bond in the original amount of \$1,396,235.38, and current value of \$598,606.87 and Letter of Credit No. #1007-SB issued by Connect One Bank in the original in the amount of \$155,137.26, and current amount of \$66,511.87 (excluding accrued interest) 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 \$193,921.58; and

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 for Section IV in the form of a Bond, Bond No. #0380636 issued by International Fidelity Bond in the original amount of \$526,431.37, and current value of \$331,177.07 and Letter of Credit No. #1008-SB issued by Connect One Bank in the original in the amount of \$58,492.37, and current amount of \$36,864.12 (excluding accrued interest) 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 \$73,115.47; and

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

- a. Rosemont Estates II, LLC
- b. St. Paul Travelers
- c. International Fidelity Bond
- d. Ocean First Bank
- e. Mayor Jonathan L. Hornik
- f. Township Business Administrator
- g. Township Chief Financial Officer
- h. Township Engineer

The following Resolution #2015-221 (Bond Release Rosemont Estates B 193, L 51 - Water System Improvements) was introduced by reference, offered by Council Vice President Mazzola, seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2015-221

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES  
FOR THE WATER SYSTEM IMPROVEMENTS AT ROSEMONT ESTATES  
AT BLOCK 193, LOT 51, 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 Rosemont Estates II, LLC for release of the Township held Performance Guarantees in the form of a Bond for Water System Improvements on the Site known as "Rosemont Estates" (the "Site"), property known as Block 193, Lot 51, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Rosemont Estates II, 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 June 15, 2015, 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 for On-Site Water System Improvements - Section I recommends that the Performance Guarantee in the form of a Bond, Bond No. #0355375 issued by International Fidelity Insurance Company in the original amount of \$341,937.82, as well as letter of credit in the original amount of \$37,981.98, 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 \$47,477.48; and

WHEREAS, the aforesaid report for On-Site Water System Improvements - Section II recommends that the current Performance Guarantee in the form of a Bond, Bond No. #0355376 issued by International Fidelity Insurance Company in the original amount of \$188,871.16, as well as letter of credit in the original amount of \$20,985.68, 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 \$26,232.11; and

WHEREAS, the aforesaid report for Off-site Water System Improvements recommends that the current Performance Guarantee in the form of a Bond, Bond No. #0355377 issued by International Fidelity Insurance Company in the original amount of \$91,830.78, as well as letter of credit in the original amount of \$10,203.42 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 \$12,754.28; and

WHEREAS, the former MTMUA rolled the above referenced guarantees to cover improvements within Sections III and IV of the development. Said bonds posted by the Developer and being held by the Township, shall 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 \$31,453.73 for Section III and \$16,696.35 for Section IV; 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 for On-Site Water System Improvements - Section I in the form of a Bond, Bond No. #0355375 issued by International Fidelity Insurance Company in the original amount

of \$341,937.82, 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 \$47,477.48; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee for On-Site Water System Improvements - Section II in the form of a Bond, Bond No. #0355376 issued by International Fidelity Insurance Company in the original amount of \$188,871.16, 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 \$26,232.11; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee for Off-site Water System Improvements in the form of a Bond, Bond No. #0355377 issued by International Fidelity Insurance Company in the original amount of \$91,830.78, 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 \$12,754.28; and

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

- a. Rosemont Estates II, LLC
- b. International Fidelity Insurance Company
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer

Councilwoman Marder took her seat at the dais. The following Resolution #2015-222 (Authorizing Shared Services Agreement for Professional Services to Prepare Fair Share Analysis) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Marder. Discussion followed, during which Township Attorney Louis N. Rainone explained that there

are at least 75 municipalities that will be part of this shared services agreement. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

TOWNSHIP OF MARLBORO

RESOLUTION # 2015-222

AUTHORIZING A SHARED SERVICES AGREEMENT FOR  
PROFESSIONAL SERVICES TO PREPARE FAIR SHARE ANALYSIS

WHEREAS, the Township of Marlboro has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Monmouth County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Marlboro desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Marlboro for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Marlboro and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Marlboro in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Marlboro hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Marlboro the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Marlboro will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

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

- a. Jeffrey R. Surenian, Esq.
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick & Cole, LLP

Resolution #2015-223 (Authorizing Amendment to Contract - Legal Services Ethics Board) was pulled from the Consent Agenda and voted on separately. Councilwoman Marder recused herself and left the room. The resolution was introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2015-223

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT  
WITH KENNETH BIEDZYNSKI, ESQ. OF THE FIRM OF  
GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC FOR ETHICS  
BOARD COUNSEL SERVICES FOR THE TOWNSHIP OF MARLBORO  
FOR THE YEAR 2015

WHEREAS, on January 8, 2015, the Township Council adopted Resolution #2015-016 authorizing a contract for ETHICS BOARD ATTORNEY for the period of January 1, 2015 through December 31, 2015; and

WHEREAS, said contract was awarded pursuant to a fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, in a letter dated May 26, 2015, the Ethics Board Attorney has requested an increase in the contract amount of \$16,200.00 due to ongoing proceedings regarding the case of Dean v. Marder; and

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

1. The Township Council of the Township of Marlboro hereby authorizes and approves an amendment to the Professional Services Contract with KENNETH BIEDZYNSKI, ESQ. OF THE FIRM GOLDZWEIG, GREEN, EIGER & BIEDZYNSKI, LLC pursuant to a fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.4, increasing the contract not to exceed amount by \$16,200.00; and

2. The Chief Financial Officer has certified that sufficient funds in the amount of \$16,200.00 are available for the aforesaid contract in current account 01-201-20-035-226; and

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Goldzweig, Green, Eiger & Biedzynski, LLC
- b. Township Chief Financial Officer
- c. Township Ethics Board

Councilwoman Marder took her seat at the dais. As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger, and passed on a roll call vote of 5 - 0 in favor: Res. #2015-224 (Authorizing Shared Services Agreement - Marlboro Board of Education - Janitorial Services), Res. #2015-225 (Authorizing CDBG Grant Application), Res. #2015-226 (Authorizing Budget Amendment - 2015 Clean Communities Grant), Res. #2015-227 (Authorizing Recreation Fireworks Display Permit), Res. #2015-228 (Authorizing Auction of Surplus Property), Res. #2015-229 (Award of Bid - Type 13 Bulky Waste), Res. #2015-230 (Award of Bid - HVAC Maintenance), Res. #2015-231 (Award of Bid - 2015 Road Program), Res. #2015-232 (Confirming Agreements with Constellation New Energy, Inc for Supply of Electricity), Res. #2015-233 (Authorizing Acceptance of Bench Donated by Play2Win), Res. #2015-234 (Discharge of Mortgage - 158 Greenwood Road), Res. #2015-235 (Discharge of Mortgage - 8 Prince Edward Road), Res. #2015-236 (Electronic Tax Sale), Res. #2015-237 (Redemption Tax Sale Certs - Various), Res. #2015-238 (Authorizing Application Bonus Recycling Grant NJDEP).

RESOLUTION # 2015-224

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,  
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE  
MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES  
FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the BOE has a contract in place which was awarded pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Marlboro Township Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$41,904.00 for the period July 1, 2015 through December 31, 2015 are available for this purpose from Account 01-201-26-122-288126; and

WHEREAS, funds in the amount of \$41,904.00 for the period January 1, 2016 through June 30, 2016 will be certified upon adoption of the 2016 budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.

4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2015-225

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2016 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Greenbriar Roadway Improvements - Phase I; and

WHEREAS, the Department of Public Works has identified several roadway and drainage improvements that are required within the Greenbriar Development which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and the Township Council of the Township of Marlboro wish to apply for funding under the FY2016 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2016 CDBG funding for Greenbriar Roadway Improvements - Phase I.

RESOLUTION # 2015-226

RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2015 in the sum of \$92,901.19, which has been awarded to the municipality for the "2015 Clean Communities" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$92,901.19 be hereby appropriated under the caption "2015 Clean Communities" Grant.

RESOLUTION # 2015-227

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 Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, INTERNATIONAL FIREWORKS MFG. CO. INC. has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 19, 2015 (with a rain date of August 9, 2015) 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 19, 2015 (with a rain date of August 9, 2015) 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 Department in accordance with the above; and

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:

- a. INTERNATIONAL FIREWORKS MFG. CO. INC.
- b. The Chief of the Police and Fire Department
- c. The Fire Prevention Bureau
- d. Township Business Administrator

RESOLUTION # 2015-228

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS  
MUNICIPAL PERSONAL PROPERTY NOT NEEDED FOR  
PUBLIC USE BY PUBLIC ON-LINE AUCTION

WHEREAS, pursuant to N.J.S.A. 40A:11-36, a municipality may, by resolution, authorize the sale of its personal property not needed for public use; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("DCA") has issued Local Finance Notice 2008-9 ("LFN-2008-9") which permits a municipality to sell its personal property not needed for public use on-line; and

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of a on-line public auction for the

sale of such municipal personal property not needed for public use; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro deem that it is in the best interests of the Township of Marlboro to sell the Township's personal property not needed for public use using the on-line auction process set forth in LFN-2008-9; and

WHEREAS, govdeals.com is one of the internet based vendors approved by the DCA to carry out on-line auctions of municipal property not needed for public use.

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:

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated June 18, 2015 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and
3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal

newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:

- a. An announcement of the auction and that the item(s) shall be sold on-line;
- b. the internet address for the sale being advertised;
- c. the date and time of the auction and a general description of the surplus personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required is not required in the newspaper advertisement; and
- d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

7. Pursuant to N.J.S.A. 40A:11-36, sales shall be held not less than seven (7) nor more than fourteen (14) days after the latest publication of the advertisement.

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

- a. govdeals.com
- b. Township Administrator
- c. Chief Financial Officer
- d. Division of Local Government Services,  
Department of Community Affairs

RESOLUTION # 2015-229

A RESOLUTION AWARDED CONTRACT TO FREEHOLD CARTAGE, INC. FOR DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS (DPW) RECYCLING BUREAU

WHEREAS, the Marlboro Township Department of Public Works maintains a Recycling Center where "bulky waste" can be deposited by residents; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) defines "Type 13 - Bulky waste" as including "Large items of waste material, such as appliances and furniture"; and

WHEREAS, maintaining the bulky waste facility at the Township Recycling Center requires that the Township contract for the disposal of Type 13 - Bulky Waste; and

WHEREAS, the Township of Marlboro authorized the acceptance of bids for DISPOSAL OF TYPE 13 BULKY WASTE, and on June 4, 2015, received one (1) bid, as follows:

COMPANY		BID PRICE PER TON	BID PRICE PER 700 TONS
FREEHOLD CARTAGE, INC.	Freehold	76.00	53,200.00

; and

WHEREAS, the bid submission of the apparent low bidder, FREEHOLD CARTAGE, INC. has been determined to be responsive as detailed in a June 9, 2015 memo transmitted by the Superintendent of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Superintendent of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FREEHOLD CARTAGE, INC. whose address is PO Box 5010, Freehold, NJ 07728 in an amount not to exceed \$53,200.00 for DISPOSAL OF TYPE 13 BULKY WASTE FOR THE DEPARTMENT OF PUBLIC WORKS for the period September 1, 2015 - August 31, 2016, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with FREEHOLD CARTAGE, INC. in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$17,733.33 are

available for the aforesaid contract in 2015 Budget Account 01-201-32-170-233112.

BE IT FURTHER RESOLVED funds in the amount of \$35,466.67 will be made available and certified in 2016 upon adoption of the budget.

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

- a. FREEHOLD CARTAGE, INC.
- b. Township Administration
- c. Township Chief Financial Officer
- d. Superintendent of Public Works

RESOLUTION # 2015-230

A RESOLUTION AWARDING CONTRACT TO DASH MECHANICAL, LLC  
FOR HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO  
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on June 9, 2015, received two (2) bids therefor; and

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

Company	Current Facilities	Pending Facility	TOTAL
DASH Mechanical LLC 613 Preston Street Brick, NJ 08723	39,799	1,761	41,560
Air Systems Maintenance, Inc. 718 Jefferson Avenue Kenilworth, NJ 07033	55,161	2,275	57,436

; and

WHEREAS, the submission of the apparent lowest bidder, DASH Mechanical, LLC is responsive as detailed in the June 10, 2015 memo from the Superintendent of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Superintendent of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to DASH MECHANICAL, LLC whose address is 613 Preston Street, Brick, NJ 08723 for HVAC MAINTENANCE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, for a contract amount at prices specified in the bid proposal not to exceed \$41,560.00 for a term of one year, with an option to renew the contract based upon on the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DASH MECHANICAL, LLC, in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds in the amount of \$20,780.00 representing the 2015 portion of the contract have been certified by the Chief Financial Officer in Account #01-201-26-122-276126.

BE IT FURTHER RESOLVED funds for the 2016 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2016 Municipal Budget.

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

- a. DASH MECHANICAL, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Superintendent of Public Works

RESOLUTION # 2015-231

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
TO LUCAS CONSTRUCTION GROUP, INC. FOR THE 2015 ROAD,  
DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM

WHEREAS, the Township of Marlboro as part of its 2015 capital program (060-1,3,9,25) authorized various road, drainage and sidewalk improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the 2015 ROAD, DRAINAGE, AND SIDEWALK

IMPROVEMENT PROGRAM, and on June 10, 2015, received seven (7) bids, as follows:

	Base Bid	Addition Item 'A' (+)	Base Bid + Addition Item 'A'	Addition Item 'B' (+)	Addition Item 'C' (+)	Addition Item 'D' (+)
Meco, Inc. Clarksburg, NJ	2,068,439.00*	137,751.60	2,206,190.60	134,903.01	130,450.20	127,202.97
DeFino Contracting Company Cliffwood Beach, NJ	2,080,000.00	141,000.00	2,221,000.00	135,000.00	131,000.00	126,000.00
Lucas Construction Group, Inc. Morganville, NJ	2,080,315.00	97,850.00	2,178,165.00	131,612.80	124,840.24	121,796.30
JADS Construction South River, NJ	2,198,948.75	145,370.50	2,344,319.25	159,995.00	157,549.00	149,785.00
Z Brothers Concrete Contractors Sayreville, NJ	2,239,390.00	140,358.00	2,379,748.00	150,743.80	147,587.24	140,906.30
Black Rock Enterprises, LLC Old Bridge, NJ	2,296,850.00	137,671.00	2,434,521.00	151,326.00	147,198.00	140,095.00
Earle Asphalt Company Farmingdale, NJ	2,297,113.13	238,900.00	2,536,013.13	149,700.00	143,400.00	134,000.00

\*Figure adjusted for error in calculation.

; and

WHEREAS, the bid was comprised of a base bid, Addition Item A, Addition Item B, Addition Item C, and Addition Item D; and

WHEREAS, based upon the available budget and the amount of funding available, the Township is in the position to award the base bid plus Addition Item A; and

WHEREAS, it has been determined that the submission of the lowest bidder for the Base Bid plus Addition Item A, LUCAS CONSTRUCTION GROUP, INC. is responsive as detailed in a June 15, 2015 letter submitted by the Township Engineer; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Township Engineer to award the bid as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to LUCAS CONSTRUCTION GROUP, INC., whose address is 173 Amboy Road, Morganville, NJ 07751 in an amount not to exceed \$2,178,165.00 for the 2015 ROAD, DRAINAGE, AND SIDEWALK IMPROVEMENT PROGRAM; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with LUCAS CONSTRUCTION GROUP, INC. in an amount not to exceed \$2,178,165.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$2,178,165.00 are available for the aforesaid contract in Capital Accounts 04-215-14-03B-060288, 04-215-15-02D-060288 and 04-215-15-02J-060288; and

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

- a. LUCAS CONSTRUCTION GROUP, INC.
- b. Township Business Administrator
- c. Township Superintendent of Public Works
- d. Township Engineer
- e. Township Chief Financial Officer

RESOLUTION # 2015-232

RESOLUTION CONFIRMING AGREEMENTS WITH CONSTELLATION  
NEW ENERGY, INC FOR THE SUPPLY OF ELECTRICITY

WHEREAS, on April 16, 2015 (R. 2015-180) the Township Council authorized the participation of Marlboro Township in the New Jersey *E-Procurement Pilot Program* pursuant to the provision of the *Local Unit Electronic Technology Pilot Program and Study Act* (P.L. 2001, C. 30), authorized the hiring and engagement of an on-line purchasing agent to conduct internet-based reverse auctions (World Energy Solutions, Inc), and the execution of agreements for the purchase of electric power supplies; and

WHEREAS, as part of the pre-bid qualification process, the Township received submissions from two (2) suppliers as follows:

Constellation New Energy, Inc  
 South Jersey Energy Company

WHEREAS, on June 1, 2015, internet-based reverse auctions were held for the Township's lighting and the Township and Marlboro Board of Education non-lighting accounts for each of 12, 24 and 36 month terms; and

WHEREAS, the following final fixed price bids were received:

Description	Delivery Start	Term	Term kWh	Total Bid	Bidder
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	12	10,120,914	\$0.08500	Constellation
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	12	10,120,914	\$0.08541	South Jersey
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	24	20,241,828	\$0.08333	Constellation
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	24	20,241,828	\$0.08344	South Jersey
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	36	30,362,742	\$0.08254	Constellation
All Inclusive - Non Lighting Accounts - Fixed	Jul-15	36	30,362,742	\$0.08255	South Jersey
All Inclusive - Lighting Accounts – Fixed	Jul-15	12	2,308,964	\$0.06500	Constellation
All Inclusive - Lighting Accounts – Fixed	Jul-15	24	4,617,928	\$0.06400	Constellation
All Inclusive - Lighting Accounts – Fixed	Jul-15	36	6,926,892	\$0.06350	Constellation

;and

WHEREAS, Constellation New Energy, Inc was the low bidder for each of the 12, 24, and 36 month terms for both the lighting and non-lighting accounts; and

WHEREAS, Constellation New Energy, Inc, the sole bidder on the lighting accounts (12, 24 and 36 month terms) agreed to reduce their fixed price to \$.06057/kwh; and

WHEREAS, based upon market conditions and in consultation with the analysts at World Energy Solutions, Inc, it was determined that continuing to lock in rates for a 24 month term as in 2011 and 2013 was the most favorable course of action; and

WHEREAS, in order to secure the low bid pricing which expired at the close of business on June 1, 2015, pursuant to the authority granted in R. 2015-180, the Business Administrator executed agreements with Constellation New Energy for lighting and non-lighting accounts, each with terms not to exceed 24 months; and

WHEREAS, the Township Council supports the cooperative purchasing effort with the Board of Education to achieve the lowest possible electricity supply costs, and wishes to confirm the low bid pricing for both the lighting and non-lighting accounts for terms not to exceed 24 months.

NOW THEREFORE BE IT RESOLVED that the Township Council hereby confirms agreements for the purchase of electricity from Constellation New Energy, Inc., 1221 Lamar St, Suite 750, Houston, TX 77010 for lighting and non-lighting accounts, at a price of \$.06057/kwh for lighting and \$.08333/kwh for non-lighting accounts, for terms not to exceed 24 months.

RESOLUTION # 2015-233

A RESOLUTION AUTHORIZING ACCEPTANCE OF  
DONATION OF A BENCH FROM THE PLAY2WIN FOUNDATION

WHEREAS, the Play2Win Foundation has donated the following item:

1 Bench

; and

WHEREAS, the bench will be placed at the Recreation Center turf field and utilized during various sporting events; and

WHEREAS, the Recreation Department recommends that the Township accept the donation; and

WHEREAS, there has been no promise of future employment, services, goods or other thing of value exchanged in return for said donation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the donation of the bench from the Play2Win Foundation as described above is hereby accepted.

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

- a. Township Administrator
- b. Township Recreation Director

RESOLUTION # 2015-234

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED MAY 23, 2003, WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 158 GREENWOOD ROAD, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 158 Greenwood Road, a/k/a Lot 32, Block 111, Marlboro, New Jersey ("the Property"), is a residential unit which was deemed eligible by the Township of Marlboro to participate in its housing rehabilitation program which is governed by the provisions of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, on or about May 23, 2003, Clinton Mackey and Catherine Mackey, as owners of the Property, had made application to participate in Marlboro's rehabilitation program and as a consequence of participating in such a program, they executed a mortgage note and gave Marlboro Township a mortgage as it relates to rehabilitation work done to the Property ("the Mortgage"); and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on July 23, 2003, in Mortgage Book OR-8259, at Page 2975 et seq.; and

WHEREAS, Clinton Mackey is deceased however, Catherine Mackey is still alive; and

WHEREAS, Catherine Mackey recently sold the Property to a third party for a stated consideration however, the Mortgage remains a matter of record as it has not been discharged; and

WHEREAS, the terms of the mortgage note provided for certain conditions to be met and if they were met the foregoing loan to Clinton Mackey and Catherine Mackey would be deemed forgivable; and

WHEREAS, proof has been given to the Township that the conditions for loan forgivability as set forth in the mortgage note have been met therefore, providing a basis upon which to discharge the Mortgage; and

WHEREAS, Catherine Mackey hereby requests that the Township of Marlboro hereby discharge the Mortgage; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing Mortgage for the reasons sets forth herein and because of the recent change in ownership; and

WHEREAS, because the Property was being sold a short sale exigent circumstances existed such that the foregoing discharge could not await approval from the Town Council and as such, Marlboro Township's administrative agent (CGP&H) had to act on behalf of the Township and issue a discharge of mortgage to Catherine Mackey; and

NOW THEREFORE BE IT RESOLVED that the Marlboro Township Town Council hereby ratifies and approves of the aforesaid action taken by Marlboro Township's administrative agent;

BE IT FURTHER RESOLVED that the foregoing discharge of mortgage prepared by CGP&H 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. Township Business Administrator, Jonathan Capp;
- b. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2015-235

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A DISCHARGE OF A MORTGAGE DATED DECEMBER 8, 2000, WHICH WAS RECORDED AGAINST A RESIDENTIAL PROPERTY LOCATED AT 8 PRINCE EDWARD ROAD, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 8 Prince Edward Road, a/k/a Lot 1, Block 263, Marlboro, New Jersey ("the Property"), is a residential unit which was deemed eligible by the Township of Marlboro to participate in its housing rehabilitation program which is governed by the provisions of

New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) and the substantive and procedural rules of the Council on Affordable Housing (N.J.A.C. 5:96-1 and 5:97-1 et seq.); and

WHEREAS, on or about December 8, 2000, Maria Latte Pardo and Carl R. Pardo, as owners of the property, had made application to participate in Marlboro's rehabilitation program and as a consequence of participating in such a program, they executed a mortgage note and gave Marlboro Township a mortgage as it relates to rehabilitation work done to the Property ("the Mortgage"); and

WHEREAS, the Mortgage was subsequently recorded in the Monmouth County Clerk's Office on January 9, 2001, in Mortgage Book OR-8001, at Page 680 et seq.; and

WHEREAS, Maria Latte Pardo died in 2001 and Carl R. Pardo died in 2014; and

WHEREAS, the executrix for the estate of Carl R. Pardo, following the death of Carl R. Pardo, sold the Property to a third party for a stated consideration however, the Mortgage remains a matter of record as it has not been discharged; and

WHEREAS, the above closing on the Property took place on May 18, 2015; and

WHEREAS, the executrix and the purchaser of the Property escrowed the amount of the Mortgage pending consideration by the Town Council to discharge same; and

WHEREAS, the terms of the mortgage note provided for certain conditions to be met and if they were met the foregoing loan to Maria Latte Pardo and Carl R. Pardo would be deemed forgivable; and

WHEREAS, proof has been given to the Township that the conditions for loan forgiveness as set forth in the mortgage note have been met therefore, providing a basis upon which to discharge the Mortgage; and

WHEREAS, the executrix for the Estate of Carl R. Pardo hereby requests that the Township of Marlboro hereby discharge the Mortgage; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing

Mortgage for the reasons sets forth herein and because of the recent change in ownership;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of Mortgage as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the foregoing Mortgage and Agreement that it 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. Township Business Administrator, Jonathan Capp;
- b. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2015-236

A RESOLUTION AUTHORIZING KELLY A. HAHN, TAX COLLECTOR,  
TO COMPLETE APPLICATION TO PARTICIPATE IN  
ELECTRONIC TAX SALE PROCESS

WHEREAS, N.J.S.A 54:5-19, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS, Chief Financial Officer Lori A. Russo has advised that an electronic tax sale is innovative and provides a greater pool of potential lien buyer, thus creating the environment for a more complete tax sale process; and

WHEREAS, Mrs. Russo has recommended that Kelly A. Hahn be authorized to complete the necessary application for the Township of Marlboro to participate in the electronic tax sale; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township of Marlboro wishes to participate in the pilot program for an electronic tax sale; and

BE IT FURTHER RESOLVED that Kelly A. Hahn, Tax Collector shall and hereby authorized to complete an application to participate in the electronic tax sale program and submit the same to the Director of Local Government Services.

RESOLUTION # 2015-237

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 45,102.39 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 \$ 45,102.39 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>
2014-077 8 Mackenzie Terrace	304/22	PC 5, LLC US BANK CUST FOR PC5 50 S. 16 <sup>th</sup> Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Federal National Mortgage Assn	1,885.43
2014-083 161 Gordons Corner Rd	314/1	DSHC Enterprises, LLC P.O. Box 524 Plainsboro, NJ 08536 Assessed Owner: Rabin, Alice	13,936.43
2014-027 207 Conway Court	160/45	MTAG CUSTODIAN FOR FIG CAPITAL 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221	2,592.84

	Assessed Owner: Marra, Joseph & Linda	
2014-091 380/23 4 Cross Lane	DSHC Enterprises, LLC P.O. Box 524 Plainsboro, NJ 08536 Assessed Owner: Falica, Rosaria	9,405.75
2014-095 395/9 1 Sycamore Court	DSHC Enterprises, LLC P.O. Box 524 Plainsboro, NJ 08536 Assessed Owner: Wu, Tsui-Fen	17,281.94
	Totals:	45,102.39

RESOLUTION # 2015-238

RESOLUTION AUTHORIZING APPLICATION TO NEW JERSEY DEPARTMENT  
OF ENVIRONMENTAL PROTECTION FOR THE 2015 FOOD WASTE,  
TIRE CLEAN-UP & PUBLIC SPACES BONUS RECYCLING GRANT PROGRAM

WHEREAS, the Township has received notice that the New Jersey Department of Environmental Protection (NJDEP) is offering "Bonus" grants to counties and local governments that provide recycling services at their own expense; and

WHEREAS, the Township of Marlboro is committed to expanding recycling opportunities in its public areas; and

WHEREAS, the Township wishes to request Bonus funding in an amount not to exceed \$11,099.50 to add additional recycling centers to the Union Hill Park and Ride Commuter Lot and various parks; and

WHEREAS, a cash match in the full amount of Bonus funds received by the Township will be required and is available in the Clean Communities and Recycling Grant programs; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of an application to the New Jersey Department of Environmental Protection and designates the Recycling Coordinator to ensure that said Application is properly filed.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute an agreement and any other such documents as may be necessary to secure said funding.

BE IT FURTHER RESOLVED the Township of Marlboro accepts the terms of the guidelines promulgated for this program.

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

- a. New Jersey Department of Environmental Protection
- b. Township Recycling Coordinator
- c. Township Business Administrator
- d. Township Chief Financial Officer

At 7:50 PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Council Vice President Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 16, 2015

OFFERED BY: MAZZOLA                      AYES: 3

ECONDED BY: MARDER                      NAYS: 0

ABSENT: CANTOR, SCALEA

---

ALIDA MANCO  
MUNICIPAL CLERK

---

SCOTT METZGER  
COUNCIL PRESIDENT