

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 15, 2016

The Marlboro Township Council held its regularly scheduled Meeting on September 15, 2016 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mazzola opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 11, 2016; 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 Marder, Councilman Metzger, Council President Mazzola and Councilman Scalea. Councilman Cantor was absent.

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

Councilman Metzger moved that the minutes of August 11, 2016 be approved. This was seconded by Council Vice President Marder, and passed on a roll call vote of 3 - 0 in favor, with Councilman Scalea abstaining (Absent: Cantor).

The following Resolution #2016-277 (Authorizing Approval of Developer's Agreement - General Improvements - Marlboro Estates) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2016-277

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, FALSON LANE DEVELOPMENT, LLC, AND MARLBORO ESTATES, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 119, LOT 31,

TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On August 5, 2016 the Planning Board of the Township of Marlboro ("Planning Board") adopted a Resolution P.B. 1122-15 granting Preliminary and Final Major Site Plan Approval with Variance Relief to Falcon Lane Development, LLC and Marlboro Estates, LLC ("Developers") for the development of property known as Block 119, Lot 31, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey (the "Site"); and

WHEREAS, the Planning Board resolution conditioned the approval upon the Developers entering into a Developer's Agreement with the Township of Marlboro, attached hereto and made apart hereof as "Exhibit A", and the posting all the necessary performance guarantees; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates are subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Township Clerk be and are hereby authorized to execute the Developer's Agreement Falcon Lane Development, LLC and Marlboro Estates, LLC for the Preliminary and Final Major Site Plan Approval with Variance Relief issued for the site located on Block 119, Lot 31, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, attached hereto in form and substance as "Exhibit A".

The following Resolution #2016-278 (Authorizing Approval of Developer's Agreement - Water Improvements - Marlboro Estates) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Scalia and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2016-278

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND FALSON LANE DEVELOPMENT, LLC, CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 119, LOT 31, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Falson Lane Development (the "Developer") has applied to the Township of Marlboro Water Utility Division for Preliminary, Tentative and Final Water Service Approval for the property located along Texas Road, which is known as Block 119, Lot 31 on the Official Tax Map of the Township of Marlboro,

Monmouth County New Jersey, (the "Site") to construct Marlboro Estates, which will consist of a subdivision to create 16 lots for residential development, and

WHEREAS, the Township of Marlboro Water Utility Division has granted approval with respect to the water service to the Project and the site and conditioned the approval upon the Developer entering into a Developer Agreement with the Township of Marlboro Water Utility Division and posting all the necessary performance guarantees; and

WHEREAS, the Developer Agreement has been negotiated by the parties, and the negotiation and preparation of same shall be paid for from Developer's escrow account held by the Township of Marlboro; and

WHEREAS, the necessary performance guarantees, cash deposits and insurance certificates shall be subject to the review and approval of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the execution by the Director of Public Works on behalf of the Township of Marlboro Water Utility Division be and is hereby ratified and the Mayor is authorized to execute and the Municipal Clerk is authorized to witness, the Developer Agreement with FALSON LANE DEVELOPMENT, LLC (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 119, Lot 31 on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located along Texas Road, the negotiation and preparation of which shall be paid for from the Developer's escrow account held by the Township of Marlboro; and

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

- a. Falson Lane Development, LLC
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Engineer
- e. Township Chief Financial Officer
- f. Marlboro Township Water Utility Division
- g. DeCotiis, FitzPatrick & Cole, LLP

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor): Res. #2016-279 (Authorizing Amendment to Shared Services Agreement for Professional Services to Prepare Fair Share Analysis), Res. #2016-280 (Award of Bid -

Greenbriar Road Improvements (CDBG)) Res. #2016-281 (Authorizing Final Close Out Change Order and Acceptance of Improvements - Texas Rd Phase II Project), Res. #2016-282 (Authorizing One Year Renewal - Parking Lot Snow Removal), Res. #2016-283 (Authorizing One Year Renewal - Temporary Personnel Agency Services), Res. #2016-284 (Authorizing One Year Renewal - Generator Rental) Res. #2016-285 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Dept of Defense (DOD) 1033 Program), Res. #2016-286 (Authorizing Budget Amendment - Drive Sober or Get Pull Over Statewide Labor Day Crackdown Grant), Res. #2016-287 (Subordination of Mortgage - 2 Sherbrook Lane), Res. #2016-288 (Redemption Tax Sale Certs - Various), Res. #2016-289 (Refund for State Judgment - 2011 - 242 Route 79), Res. #2016-290 (Refund for State Judgment - 2012 - 242 Route 79), Res. #2016-291 (Refund for State Judgment - 2013 - 242 Route 79), Res. #2016-292 (Refund for State Judgment - 2015 - 4 Sapphire Drive), Res. #2016-293 (Closed Session - Litigation/Builders Remedy Lawsuits).

RESOLUTION # 2016-279

RESOLUTION AUTHORIZING EXPENDITURE IN THE AMOUNT OF \$3,000 FOR CONTINUED PARTICIPATION IN MUNICIPAL CONSORTIUM AND FUNDING OF ADDITIONAL EXPERT SERVICES BY ECONSULT SOLUTIONS AND NASSAU CAPITAL ADVISORS, LLC IN ACCORDANCE WITH THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro entered into a Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in Declaratory Judgment action ("Litigation") that was filed in accordance with 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

WHEREAS, the MSSDA provides for a joint effort among municipalities ("the Municipal Consortium" or "MC") to prosecute common components of the Litigation including among other things to establish a fund to pay for joint litigation expenses and retain an expert to address municipal fair share obligations, prepare associated reports, provide deposition and trial testimony and otherwise provide litigation support services; and

WHEREAS, members of the MC made an initial contribution of \$2,000.00 to fund MC activities including the retention of Econsult Solutions as an expert; and

WHEREAS, on July 7, 2016 (R.2016-238) Marlboro Township contributed an additional \$2,000.00 to continue funding the work; and

WHEREAS, it is necessary to replenish the fund to continue the work of the MC, Econsult Solutions and Nassau Capital Advisors, LLC and the MC request that its members contribute an additional \$3,000.00; and

WHEREAS, funds are available and have been certified as such by the Chief Financial Officer of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$3,000 is hereby authorized to be expended by the Township to continue its membership in the Municipal Consortium and fund additional expert services by Econsult Solutions and Nassau Capital Advisors in accordance with the terms of the MSSDA.

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. Township Administrator
- c. Chief Financial Officer
- d. DeCotiis, FitzPatrick & Cole, LLP

RESOLUTION # 2016-280

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
TO FIORE PAVING CO., INC. FOR CDBG ROADWAY  
IMPROVEMENTS AT GREENBRIAR

WHEREAS, the Township of Marlboro as part of its 2016 capital program (060-1) authorized various road improvements; and

WHEREAS, the Township of Marlboro received a \$125,485.00 grant from the Community Development Block Grant ("CDBG") program for Roadway Improvements at Greenbriar; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for CDBG ROADWAY IMPROVEMENTS AT GREENBRIAR ("project"), and on August 31, 2016, received eleven (11) bids, as follows:

Bidder	Bidder Address	Bid Price
Fiore Paving Co., Inc.	4 Fiore Court, Oceanport, NJ 07757	\$193,502.25
S. Brothers Inc.	PO Box 317, South River, NJ 08882	\$195,884.95
Lucas Brothers, Inc.	80 Amboy Road, Morganville, NJ 07751	\$197,826.70
Meco, Inc.	PO Box 536, Clarksburg, NJ 08510	\$199,880.00
JTG Construction Inc.	188 Jefferson St., Suite 387, Newark, NJ 07105	\$211,379.00
Earle Asphalt Co.	PO Drawer 556, Farmingdale, NJ 07727	\$213,613.13
Jads Construction	PO Box 513, South River, NJ 08882	\$214,744.90
Vision Construction Group Inc.	10 Liberty Street, Edison, NJ 08837	\$214,905.00
Black Rock Enterprises	1316 Englishtown Rd., Old Bridge, NJ 08857	\$228,000.00
Lucas Construction Group, Inc.	PO Box 8939, Red Bank, NJ 07701	\$234,234.00
A&A Curbing, Inc.	15 Terry Avenue, South River, NJ 08882	\$239,101.00

; and

WHEREAS, the project will consist of roadway improvements to Lakeview Drive, Weston Court, and Coach Court; and

WHEREAS, it has been determined that the submission of the lowest bidder, FIORE PAVING CO., INC. is responsive as detailed in a September 1, 2016 memo 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 FIORE PAVING CO., INC., whose address is 4 Fiore Court, Oceanport, NJ 07757 in an amount not to exceed \$193,502.25 for CDBG ROADWAY IMPROVEMENTS AT GREENBRIAR; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with FIORE PAVING CO., INC. in an amount not to exceed \$193,502.25; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$193,502.25 are

available for the aforesaid contract in Capital Account #04-215-16-10A-120288 and #04-215-16-02B-060288; and

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

- a. FIORE PAVING CO., INC.
- b. Township Administrator
- c. Director of Public Works
- d. Township Engineer
- e. Chief Financial Officer
- f.

RESOLUTION # 2016-281

A RESOLUTION APPROVING CLOSE OUT CHANGE ORDER TO THE EXISTING CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND S. BROTHERS, INC. AND AUTHORIZING FINAL PAYMENT AND ACCEPTANCE OF IMPROVEMENTS TO TEXAS ROAD - PHASE II

WHEREAS, on May 21, 2015 (R.2015-212) the Township of Marlboro authorized the award of a contract to S. Brothers, Inc. for the Improvements to Texas Road - Phase II project (the "Project"); and

WHEREAS, Closeout Change Order has been requested resulting in a decrease in the original contract amount of \$630,722.00 to \$610,950.00, a net decrease of \$19,772.00; and

WHEREAS, in a Letter dated August 9, 2016, the Township Engineer has confirmed that the project has been completed in accordance with the approved plans and specifications and has recommended approval of the Closeout Change Order, acceptance of the Project improvements, and issuance of final payment in the amount of \$39,830.27; and

WHEREAS, pursuant to the terms of the contract, S. Brothers, Inc. has provided a two-year maintenance bond in an amount equal to 15% of the final contract amount or \$91,642.50; and

WHEREAS, the Township Council of the Township of Marlboro is amenable to approving Closeout Change Order, accepting the Project improvements and issuing a final payment to S. Brothers, Inc. in the amount of \$39,830.27 in order that the Project be completed, such Project being in the interests of the public health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that Closeout Change Order to the existing contract with S. Brothers, Inc. be and is hereby approved, decreasing the original contract total

of \$630,722.00 to \$610,950.00, a net decrease of \$19,772.00.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Marlboro, that the Project improvements be and are hereby accepted, and that final payment in the amount of \$39,830.27 for work completed by S. Brothers, Inc. is hereby approved.

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

- a. S. Brothers, Inc.
- b. Township Administrator
- c. Township Engineer
- d. Township Chief Financial Officer

RESOLUTION # 2016-282

A RESOLUTION AUTHORIZING YEAR 2 OF CONTRACT TO GARDEN IRRIGATION FOR THE PROVISION OF PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on October 8, 2015 (R.2015-312) the Township Council of the Township of Marlboro awarded a contract to GARDEN IRRIGATION FOR THE PROVISION OF PARKING LOT SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS; and

WHEREAS, the bid specifications included the option to renew said contract for one two-year or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, the Director of Public Works has recommended that the Township approve a one (1) year renewal of the contract; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation 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 GARDEN IRRIGATION whose address is 316 Tennent Road, Morganville, NJ 07751 for a period of one year commencing on October 1, 2016 and expiring on September 30, 2017, in a total amount not to exceed \$58,800.00; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with GARDEN IRRIGATION 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 \$11,760.00 are available for the aforesaid contract in 2016 Budget Account #01-201-26-119-288105.

BE IT FURTHER RESOLVED funds in the amount of \$47,040.00 will be made available and certified in 2017 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. Garden Irrigation
- b. Township Business Administrator
- c. Department of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-283

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO ANCHOR STAFFING FOR THE PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on September 18, 2014 (R.2014-336) the Township Council of the Township of Marlboro awarded a contract to ANCHOR STAFFING for THE PROVISION OF TEMPORARY PERSONNEL AGENCY

SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on September 24, 2015 (R.2015-299) the Township Council of the Township of Marlboro awarded the first one-year extension of the contract to ANCHOR STAFFING for the PROVISION OF TEMPORARY PERSONNEL AGENCY SERVICES FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, in a memo dated August 22, 2016, the Director of Public Works has recommended that the Township approve a second and final one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the

Township Council of the Township of Marlboro, that a contract be awarded to ANCHOR STAFFING whose address is 754 Route 18 North, Suite 105, East Brunswick, NJ 08816 for a period of one year commencing on October 1, 2016 and expiring on September 30, 2017, in a total amount not to exceed \$137,848.55; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with ANCHOR STAFFING 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 \$34,787.23 are available for the aforesaid contract in 2016 Budget Account #01-201-28-123-288454, #01-201-26-120-288103 and #01-201-26-120-288104; and

BE IT FURTHER RESOLVED that funds for the contract balance of \$103,061.32 will be made available and certified in 2017 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. Anchor Staffing
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-284

A RESOLUTION AUTHORIZING YEAR 3 OF CONTRACT TO FOLEY,  
INCORPORATED FOR THE PROVISION OF GENERATOR RENTAL SERVICE  
FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW)

WHEREAS, on October 23, 2014 (R.2014-359) the Township Council of the Township of Marlboro awarded a contract to FOLEY, INCORPORATED for THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, the bid specifications included the option to renew said contract for an additional one two-year, or two one-year extensions on the same terms and conditions at the exclusive option of the Township; and

WHEREAS, on October 22, 2015 (Res. #2015-326) the Township Council of the Township of Marlboro awarded the first one-year extension of the contract to FOLEY, INCORPORATED for THE PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF

MARLBORO DEPARTMENT OF PUBLIC WORKS (DPW); and

WHEREAS, in a memo dated August 22, 2016, the Director of Public Works has recommended that the Township approve a second and final one (1) year renewal of the contract; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to FOLEY, INCORPORATED whose address is 855 Centennial Avenue, Piscataway, NJ 08855 for a one-year period beginning on November 1, 2016, for an amount not to exceed \$98,573.75; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, contracts with FOLEY, INCORPORATED 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 funds shall be certified by the Chief Financial Officer prior to services being provided.

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

- a. Foley, Inc.
- b. Township Business Administrator
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2016-285

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE (DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Township Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

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

- a. Human Resources
- b. Business Administrator
- c. Chief Financial Officer

RESOLUTION # 2016-286

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 a revenue in the budget of the year 2016 in the sum of \$5,000.00, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant".

Section 2

BE IT FURTHER RESOLVED that the amount of \$5,000.00 be hereby appropriated under the caption "Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant".

RESOLUTION # 2016-287

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A MORTGAGE DATED NOVEMBER 9, 2011, AGAINST A PROPERTY LOCATED AT 2 SHERBROOKE LANE, MORGANVILLE, NEW JERSEY, AND OWNED BY BARRY IVLER AND BONNIE IVLER, HUSBAND AND WIFE

WHEREAS, the Township of Marlboro currently operates and participates under the auspices of New Jersey's Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.) as to its affordable housing obligations; and

WHEREAS, the homeowners hereunder, Barry Ivler and Bonnie Ivler, husband and wife ("the Homeowners"), purchased a residence which is commonly known as 2 Sherbrooke Lane, in the Township of Marlboro, and said home can be more specifically identified as Lot 13, Block 267 ("the Residence"); and

WHEREAS, the Homeowners made application to the then administrative agent as to Marlboro Township's "Housing Rehabilitation Program"; and

WHEREAS, Marlboro's administrative agent issued a "certificate of eligible household" to the Homeowners on July 28, 2011; and

WHEREAS, as part and parcel of participating in the rehabilitation program the Homeowners executed a mortgage to Marlboro Township (dated November 9, 2011) to secure a forgivable loan of \$16,875.00 with said mortgage being recorded on November 8, 2012, in the Monmouth County Clerk's Office in deed book OR-8979, at page 8611 et seq. ("the Marlboro Mortgage"); and

WHEREAS, by virtue of the foregoing, the Residence was made subject to the Uniform Housing Affordability Controls act which is codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Homeowners have now negotiated with FFC Mortgage ("the Lender") to refinance their existing first mortgage against the Residence; and

WHEREAS, as a condition of the imminent refinancing, the Lender requires a subordination of the Marlboro Mortgage; and

WHEREAS, the Homeowners now desire to refinance and as a consequence thereof, they too ask the Marlboro Township Town Council to approve a subordination of the Marlboro Mortgage in order to facilitate their refinance application; and

WHEREAS, it has been determined that there is good cause to grant this subordination of the Marlboro Mortgage;

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. Township Business Administrator, Jonathan Capp
- b. Lynn Franco, Municipal Housing Liaison
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2016-288

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 258,222.48 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 \$ 258,222.48 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>
2016-007	116/20	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Wells Fargo Bank	2,960.90
2016-017	148/14	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Mancini, Leone & Laura	2,434.86

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-020	160/44	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Turturea, Kathy	2,257.86
2016-041	176/90	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Freydin, Anna	2,554.59
2016-053	189/15	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Eckert, Elva	1,880.87
2016-058	198/9	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Boles, Scott & Carolee	2,456.20
2016-059	206.05/27.02	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Milstein, Jeffery & Lauren	2,264.41
2016-061	213/14	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Czarnowski, Zygmunt & Teresa	2,546.20
2016-064	214.03/4	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Rotblat, Scott & Michelle	2,446.77
2016-066	216/3	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Romangolo, Deborah	2,011.00

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-071	225/84	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Cuomo, Scott	2,355.72
2016-076	225/216	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Rago, Angelo & Barbara	2,265.56
2016-078	225/5	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Morales, Louis & Donna	2,795.74
2016-079	258/9	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Mena, Brenda & Rivera, Rafael	848.54
2016-083	268/28	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Fritz, Donald F. Jr.	1,431.42
2016-085	278/17	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Pinto, Victor & Aixa	2,224.94
2016-086	279/8	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Moore, Michael & Diane	2,356.17

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-094	229/181.01	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Roberts, Louis & Kassandra Lee	1,358.23
2016-101	315/25	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Rammainone, Frank & Jill	2,356.08
2016-104	328/5	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Herring, William & Stephen	2,199.87
2016-106	333/5	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Weber, Michael & Maria	1,735.79
2016-110	349/3	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Dancer, Donald	2,346.59
2016-130	407/8	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Mcgeown, Robert & Robyn	1,874.20
2015-070	225/21	TWR as CST for Ebury Fund 1 NJ, LLC P.O. Box 37695 Baltimore, MD 21297 Assessed Owner: Etkin, Jill	2,607.84

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-070	225/49	Tom Tiehua CAO 19 Edendale Street Ladera Ranch, CA 92694 Assessed Owner: Dabah, Michael aka Amnon & Lozinski	2,365.55
2016-077	243/6	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Mack, Robert & Toby Shylit	2,265.46
2016-095	305/61	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Shaw, Rosalie	2,806.08
2016-096	305/73	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Kraut, Joel & Melanie	2,356.18
2016-100	314/1	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Federal National Mortgage Assn	3,588.83
2016-139	421.04/10	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Di Battista, Jason & Barbara	2,265.55
2016-138	412.04/12	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Bolton, Dianna & Barbara	2,265.68

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-049	180/45	TWR as CST for Ebury Fund 2 NJ, LLC P.O. Box 54908 New Orleans, LA 70154 Assessed Owner: Duetsche Bank C/O American Home Mortgage	3,096.46
2016-109	346/1	US Bank as Cust. for Actlien Holding Inc. 50 S. 16 <sup>th</sup> Street Suite 2050 Philadelphia, PA 19102 Assessed Owner: Moskowitz, Steven & Rona	2,265.51
2015-038	176/121.01	Christiana Trust as Custodian 2020 Howell Mill Road C-513 Atlanta, GA 30318 Assessed Owner: 121.01 Campus Drive West, LLC	55,350.33
2015-005	116/2	TTLBL, LLC 4747 Executive Drive Suite 510 San Diego, CA 92121 Assessed Owner: Sims, Cary	3,269.32
2016-080	262/13	FWDSL & Assoiciates, LP 17 W. Cliff Street Somerville, NJ 08876 Assessed Owner: Nisnevitz, Lazar & Kipeman, Evelyn	49,846.09
2016-068	223/12	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Alario, Charles	1,965.66
2016-098	307/28	Sunshine State Certificates V, LLC 7900 Miami Lakes Drive West Miami Lakes, FL 33016 Assessed Owners: Clearview Equities, LLC	52,332.42

SCHEDULE "A" continued

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2016-005	111/32	MTAG Cust. Fig Capital Inv 8323 Ramona Blvd West Suite 2 Jacksonville, FL 32221 Assessed Owner: Mackey, Clinton & Catherine	1,964.30
2014-025	147/42	FNA Jersey Lien Services, LLC 575 Route 70 2 <sup>nd</sup> Floor Brick, NJ 08723 Assessed Owner: Corum, David	17,648.71

TOTALS: 258,222.4

RESOLUTION # 2016-289

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$8,971.34 for the year 2011 for Block 167 Lot 1, located at 242 Route 79 assessed to Regal Plaza,

WHEREAS, the 2011 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$8,971.34

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$8,971.34, to Zipp, Tannenbaum & Caccavelli, LLC C/O Regal Plaza.

RESOLUTION # 2016-290

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$9,032.55 for the year 2012 for Block 167 Lot 1, located at 242 Route 79 assessed to Regal Plaza,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$9,032.55

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$9,032.55, to Zipp, Tannenbaum & Caccavelli, LLC C/O Regal Plaza.

RESOLUTION # 2016-291

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$9,412.92 for the year 2013 for Block 167 Lot 1, located at 242 Route 79 assessed to Regal Plaza,

WHEREAS, the 2013 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$9,412.92

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$9,412.92, to Zipp, Tannenbaum & Caccavelli, LLC C/O Regal Plaza.

RESOLUTION # 2016-292

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$1,833.53 for the year 2015 for Block 419.01 Lot 4, located at 4 Sapphire Drive assessed to Chaudhari, Amit,

WHEREAS, the 2015 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$1,833.53

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$1,833.53, to Spiotti & Esposito P.C. C/O Chaudhari, Amit.

At 7:40 PM, Council Vice President Marder moved that the meeting enter into executive session for discussion of litigation/builders' remedy lawsuits. This was seconded by Councilman Scalea and the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2016-293

EXECUTIVE SESSION

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of September, 2016 to enter into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation/builders remedy lawsuits.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 8:05 p.m. Councilman Scalea offered a motion to return to regular business, seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

At 8:06 PM, by Council Vice President Marder moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor).

MINUTES APPROVED: OCTOBER 6, 2016

OFFERED BY: SCALEA AYES: 3

SECONDED BY: MARDER NAYS: 0

ABSENT: CANTOR, METZGER

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ALIDA MANCO  
MUNICIPAL CLERK

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CAROL MAZZOLA  
COUNCIL PRESIDENT