

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

August 6, 2009

The Marlboro Township Council held its regularly scheduled meeting on August 6, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal 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 2, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor (present via skype), Council Vice President LaRocca, Councilwoman Marder and Council President Rosenthal. Councilwoman Tragni was absent.

Also present were: Mayor Jonathan L. Hornik, Nancy Kist, Esq. Business Administrator Alayne Shepler, Deputy Clerk Deborah Usalowicz and Assistant Gerda Schneider.

Councilwoman Marder moved that the minutes of July 16, 2009 be approved. This motion was seconded by Council President Rosenthal and the minutes were passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-24 (Amend Chapter 5 - Affordable Housing). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-290/Ord. # 2009-24 (Amend Chapter 5 - Affordable Housing) was introduced by

reference, offered by Councilman Cantor, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-290

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

ORDINANCE # 2009-24

AN ORDINANCE AMENDING ARTICLE I, GENERAL PROVISIONS AND ARTICLE IA, AFFORDABLE HOUSING LIAISON OF CHAPTER 5 ENTITLED "AFFORDABLE HOUSING" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND REPLACING SAME WITH A NEW ARTICLE I, GENERAL PROVISIONS, AND A NEW ARTICLE IA, MUNICIPAL HOUSING LIAISON OF CHAPTER 5 ENTITLED "AFFORDABLE HOUSING"

which was introduced on July 16, 2009, public hearing held August 6, 2009, be adopted on second and final reading this 6<sup>th</sup> day of August, 2009.

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

Council President Rosenthal opened the Public Hearing on Monmouth County Open Space Grant - B. 157, L. 34.01. As there was no one who wished to speak, the Public Hearing was closed. Mayor Hornik explained the project, after which the following Res. # 2009-289 (Authorizing Participation in Monmouth County Municipal Open Space Program 2009) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-289

RESOLUTION AUTHORIZING TOWNSHIP PARTICIPATION IN THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM FOR 2009 GRANT FUNDING

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for county recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Marlboro desires to obtain County Open Space Trust Funds in the amount of \$250,000 to fund the acquisition of land to be designated as open space/recreation known as Block 157 Lot 34.01, located along Conover Road; and

WHEREAS, the total cost of the project including all matching funds is in excess of \$1,000,000.00; and

WHEREAS, the Township of Marlboro will be the holder of any interest acquired with County Open Space Trust Funds.

NOW, THEREFORE, BE IT RESOLVED BY the Marlboro Township Council that:

1. Alayne Shepler, Business Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Marlboro is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Alayne Shepler, Business Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Clerk's office forward a certified copy of this resolution to the Finance Department, Recreation Department, Public Works and Administration.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-26 (Additional Reimbursement Sinkholes). As

there was no one who wished to speak, the Public Hearing was closed. After discussion, the following Res. # 2009-291/Ord. # 2009-26 (Additional Reimbursement Sinkholes) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-291

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

ORDINANCE # 2009-26

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE # 2004-23 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

which was introduced on July 16, 2009, public hearing held August 6, 2009, be adopted on second and final reading this 6<sup>th</sup> day of August, 2009.

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

ORDINANCE # 2009-26

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE # 2004-23 WHICH PROVIDED FOR REMEDIATION OF SINK HOLES IN THE BOLLING BROOK/COUNTRY HILLS SUBDIVISION LOCATED IN THE TOWNSHIP AND APPROPRIATED \$83,877.53 THEREFOR FROM THE PORTION OF THE TOWNSHIP'S CAPITAL ACCOUNT EARMARKED AS THE "GROUP CONSTRUCTION ACCOUNT(S)"

WHEREAS, pursuant to Ordinance #2004-23 the Township of Marlboro was authorized to appropriate the amount of \$83,877.53 ("Sink Hole Remediation Funds") from the portion of the Township's Capital Account earmarked as the "Group Construction Account(s)" (which amount was derived from certain cash bonds with respect to "Bolling Brook Section 2" and "Bolling Brook Section 3") for the purpose of providing funds to be used for the investigation and remediation of sink holes in the respective subdivision lots of Bolling Brook Section 2 and Bolling Brook Section 3 (each a "Subdivision Lot") in the manner set forth in Ordinance #2004-23; and

WHEREAS, the Township of Marlboro desires to amend Ordinance # 2004-23 as follows to: (1) establish an increase in the limit of the amount of Sink Hole Remediation Funds that may be claimed by a property owner of a Subdivision Lot to \$10,000.00; (2) establish a termination date for the filing of Initial Claims for Sink Hole Remediation Funds ("Initial Claim Bar Date"); (3) establish a time period to process the remaining Initial Claims for Sink Hole Remediation Funds filed before the Initial Claim Bar Date; (4) establish a Secondary Claim process in the event that monies remain in the Sink Hole Remediation Fund after paying all Initial Claims filed before the Initial Claim Bar Date; (5) establish a termination date for the filing of such Secondary Claims for Sink Hole Remediation Funds ("Secondary Claim Bar Date"); (6) establish a time period to process all Secondary Claims for Sink Hole Remediation Funds filed before the Secondary Claim Bar Date; and (7) establish the method of disposition of any balance of Sink Hole Remediation Funds remaining after the processing and payment of approved claims filed prior to the Secondary Claim Bar Date.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Ordinance 2004-23, be and is hereby amended and supplemented to: (1) establish an increase in the amount of Sink Hole Remediation Funds that may be claimed by a property owner of a Subdivision Lot; 2) establish a termination date for the filing of Initial Claims for Sink Hole Remediation Funds ("Initial Claim Bar Date"); (3) establish a time period to process the remaining Initial Claims for Sink Hole Remediation Funds filed before the Initial Claim Bar Date; (4) establish a Secondary Claim process in the event that monies remain in the Sink Hole Remediation Fund after paying all Initial Claims filed before the Initial Claim Bar Date; (5) establish a termination date for the filing of such Secondary Claims for Sink Hole Remediation Funds ("Secondary Claim Bar Date"); (6) establish a time period to process Secondary Claims for Sink Hole Remediation Funds filed before the Secondary Claim Bar Date; and (7) establish the method of disposition of any balance of Sink Hole Remediation Funds remaining after the processing and payment of approved claims filed prior to the Secondary Claim Bar Date as follows:

Section 2 of Ordinance #2004-23 is amended and supplemented by replacing same with the below noted Section 2:

Section 2. (a) The amount appropriated by Ordinance 2004-23 shall be disbursed by the Chief Financial Officer of the Township to the extent and in the manner provided in this Section 2. As to any residential property located within the Bolling Brook/Country Hills

subdivision (each, a "Subdivision Lot"), the property owner of a Subdivision Lot thereof may submit to the Chief Financial Officer an application (in a form acceptable to the Chief Financial Officer) reciting the identity of the property owner of a Subdivision Lot, a description of the applicable Subdivision Lot, and evidence satisfactory to the Chief Financial Officer that (i) one or more sink holes has been discovered on such Subdivision Lot and (ii) such property owner of a Subdivision Lot has expended moneys to investigate and remediate one or more of such sink holes (the "Remediation Cost"), together with evidence satisfactory to the Chief Financial Officer of such expenditure. Up to the limits of the appropriation provided in Ordinance 2004-23, the Chief Financial Officer shall pay over to each such applicant, on a "first come, first served" basis (as determined by the Chief Financial Officer), an amount equal to the lesser of (x) all Remediation Costs attributable to such Subdivision Lot and (y) \$10,000 for an Initial Claim for reimbursement from the Sink Hole Remediation Fund. No more than one application may be filed as to any Subdivision Lot, and no application may be filed by any person other than a property owner of a Subdivision Lot thereof. Under no circumstances shall more than \$10,000.00 be paid out with respect to any Subdivision Lot for an Initial Claim for reimbursement from the Sink Hole Remediation Fund.

(b) The termination date for the filing of Initial Claims for Sink Hole Remediation Funds in the Subdivision Lots shall be March 15, 2010 and shall be referred to as the "Initial Claim Bar Date". No Initial Claims for such Sink Hole Remediation Funds shall be received or processed after the Initial Claim Bar Date.

(c) After the Initial Claim Bar Date, there shall be a period of six (6) months ending on September 15, 2010 (the "Initial Processing Period") to review and process any Initial Claims for Sink Hole Remediation Funds.

(d) Property owners of Subdivision Lots who made Initial Claims prior to the adoption of Ordinance #2009-26 and who were reimbursed from the Sink Hole Remediation Fund up to the previous claim limitation of \$7,500.00, shall be permitted to request an amendment to their Initial Claim up to the new limit of \$10,000.00 prior to the Initial Claim Bar Date.

(e) If there shall be monies remaining in the Sink Hole Remediation Fund in the amount of \$5,000.00 or more, then Secondary Claims for reimbursement of funds expended to investigate or remediate sink holes over and above the amount of \$10,000.00

previously approved may be filed in the same manner as set forth above with the following additional limitations:

(i) The termination date for the filing of Secondary Claims for Sink Hole Remediation Funds over the amount \$10,000.00 previously approved for the Subdivision Lots shall be March 15, 2011 and shall be referred to as the "Secondary Claim Bar Date". No Secondary Claims for such additional Sink Hole Remediation Funds over the amount previously approved shall be received or processed after the Secondary Claim Bar Date; and

(ii) After the Secondary Claim Bar Date, there shall be a period of six (6) months ending on September 15, 2011 (the "Secondary Processing Period") to review and process any Secondary Claims filed for Sink Hole Remediation Funds over the amount of \$10,000.00 previously approved.

(iii) No Secondary Claims shall be paid until after the Secondary Claim Bar Date to enable the Chief Financial Officer to evaluate the number and value of Secondary Claims against the remaining funds in the Sink Hole Remediation Fund. The Chief Financial Officer shall recommend to the Township Council the full or partial payment of Secondary Claims after assessing whether sufficient funds remain in the Sink Hole Remediation Fund.

(iv) If the remaining funds in the Sink Hole Remediation Fund are not sufficient to pay the full Secondary Claim of each property owner of a Subdivision Lot, then the Chief Financial Officer shall recommend the partial payment of Secondary Claims on a proportional basis to the Township Council prior to the expiration of the Secondary Processing Period.

(e) After the Secondary Processing Period has expired, any balance remaining in the Sink Hole Remediation Fund may be used for general municipal purposes as directed and authorized by the Township Council of the Township of Marlboro and thereafter this Ordinance and Ordinance # 2004-23 shall expire as a process of law.

BE IT FURTHER ORDAINED THAT after passage upon first reading of this Ordinance, the Clerk of the Township is hereby directed to publish the summary of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Clerk is further

directed to comply with the all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications and the provision of copies of this Ordinance.

BE IT FURTHER ORDAINED THAT after final adoption of this Ordinance, the Clerk is hereby directed to publish the summary of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

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

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

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

The following Res. # 2009-292/Ord. # 2009-27 (Amend Chapter 10 - Deleting Article II) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilman Cantor and was passed on a roll call vote of 3 - 1 in favor with Councilman Cantor voting no. (Absent: Tragni).

RESOLUTION # 2009-292

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

ORDINANCE # 2009-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG FREE ZONES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY DELETING AND REPEALING, IN ITS ENTIRETY, ARTICLE II, "SEX OFFENDER RESIDENCY PROHIBITION"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 10, 2009 at 8:00 p.m. at the

Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG FREE ZONES" OF THE CODE OF THE TOWNSHIP OF MARLBORO, BY DELETING AND REPEALING, IN ITS ENTIRETY, ARTICLE II, "SEX OFFENDER RESIDENCY PROHIBITION"

WHEREAS, on June 16 of 2005, by Ordinance # 2005-33, the Township of Marlboro adopted an ordinance establishing Article II, Sex Offender Residency Prohibition, Section 10-6, Residency Prohibition, of the Code of the Township of Marlboro to restrict where persons over 18 years of age may live if that person has been convicted of a sexual offense that requires such person to register pursuant to Meghan's Law; and

WHEREAS, the New Jersey Supreme Court issued a decision on May 7, 2009 (G.H. v. Township of Galloway, 199 N.J. 135) that upholds an Appellate Court decision striking down local residency ordinances substantially similar to Marlboro Township's ordinance; and

WHEREAS, the New Jersey Supreme Court adopted the reasoning of Appellate Division (G.H. v. Township of Galloway, 401 N.J. Super. 392 (App. Div. 2008), which held that local police regulations concerning convicted sex offenders are not permitted given the comprehensive statewide scheme of regulating convicted sex offenders found in Meghan's Law.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that Article II, Sex Offender Residency Prohibition of Chapter 10, Drug Free Zones, of the Code of the Township of Marlboro, be and is hereby deleted and repealed in its entirety.

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

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

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

The following Res. # 2009-293/Ord. # 2009-28 (Bond Ordinance - Road Improvements - \$1,750,000.00) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 in favor. (Absent: Tragni).

RESOLUTION # 2009-293

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

ORDINANCE # 2009-28

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,662,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 10, 2009 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2009-28

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS IN AND FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,750,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,662,500 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,750,000 including the sum of \$87,500 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,662,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the reconstruction of roads to a class A standard, as provided in the Local Bond Law, including, without limitation, Topanemus Road, Wyncrest Road and Gordons Corner Road, and such other roads as may be identified on a list that may hereafter be filed in the Clerk's office, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby

authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,662,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$87,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included

in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is approved.

The following Res. # 2009-294 (Authorizing Revocation of Wrecker's License under Township's Rotating On-Call List) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor. (Absent: Tragni).

RESOLUTION # 2009-294

A RESOLUTION AUTHORIZING THE REVOCATION OF A WRECKER'S LICENSE TO OPERATE UNDER THE TOWNSHIP'S ROTATING ON-CALL LIST

WHEREAS, pursuant to Section 147-2 of the Code of the Township of Marlboro, a license is required for wreckers to be placed on the rotating on-call list of Marlboro Township for towing service; and

WHEREAS, pursuant to Section 147-19 of the Code of the Township of Marlboro, a wrecker's license may be suspended or revoked by the Chief of Police or other member of the Police force designated by the Police Chief for violation of any provision of Chapter 147, Wreckers and any regulations adopted thereunder; and

WHEREAS, Stanley and Sons Towing, a wrecker licensed in the Township of Marlboro has had its wrecker's license suspended six (6) times in 2008 and three (3) times in 2009 to date for failure to respond to fifty percent (50%) or more of towing calls issued by the Township of Marlboro Police Department from the rotating on-call list, pursuant to the provisions of Section 147-20; and

WHEREAS, on July 16, 2009 the Marlboro Township Police Traffic and Safety Bureau issued a notice ("Notice") to Stanley and Son's Towing informing them that, due to Stanley and Son's numerous license suspensions for failure to respond to fifty percent (50) or more of towing calls from the rotating on-call list, the Marlboro Township Police Traffic and Safety Bureau has recommended that the Marlboro Township Council revoke Stanley and Son's wrecker's license to operate on the Township's rotating on-call list; and

WHEREAS, the Notice duly informed Stanley and Son's Towing that, pursuant to Section 147-19, Stanley and Son's Towing are entitled, by written application, to a hearing before the Marlboro Township Council at its next regular meeting on August 6, 2009; and

WHEREAS, the Marlboro Township Police Traffic and Safety Bureau has recommended that Stanley and Son's Towing wrecker's license be revoked and removed from the Township's rotating on-call list for the aforesaid ordinance violations; and

WHEREAS, the Township Council finds that good cause has been shown for the revocation of Stanley and Son's wrecker's license to operate under the Township's rotating on-call list.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the wrecker's license issued to Stanley and Son's Towing to operate under the Township's rotating on-call list, be and is hereby revoked; and

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

- a. Stanley and Son's Towing
- b. Chief of Police
- c. Mayor Jonathan Hornik
- d. Township Administrator
- e. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

The following Res. # 2009-295 (Award of Bid - Improvements to Station Road Star of the Sea Concrete Corp.) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor. (Absent: Tragni).

RESOLUTION # 2009-295

A RESOLUTION AWARDING A CONTRACT TO STAR OF THE SEA CONCRETE CORP. FOR ROADWAY AND DRAINAGE IMPROVEMENTS - STATION ROAD - PHASE I, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township of Marlboro authorized the acceptance of bids for Roadway Drainage Improvements - Station Road - Phase I and on July 28, 2009 received twelve (12) bids therefor; and

WHEREAS, the twelve (12) bids received were from the following bidders:

Bidder	Bid Amount
Star of the Sea Concrete Corp.	\$561,363.82
Lucas Construction Group, Inc.	\$565,630.25
Lucas Brothers, Inc.	\$575,000.00
R&B Builders, Inc.	\$595,639.03
Ace Manzo, Inc.	\$624,469.70
Earle Asphalt Company	\$641,413.13
C. J. Hesse, Inc.	\$644,076.00
Paramount Enterprises, Inc.	\$648,021.25
Marlin Construction Services, Inc.	\$662,954.75
Jads Construction Co., Inc. of NJ	\$699,743.00
B and B Construction, LLC	\$715,420.00
Tilcon New York, Inc.	\$730,176.60; and

WHEREAS, the Township Administration and Township Engineers have reviewed the said bids received and recommended that same be awarded to Star of the Sea Concrete Corp. as the lowest responsible bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract to Star of the Sea Concrete Corp. of South River, New Jersey to undertake the Roadway and Drainage Improvements - Station Road - Phase I for an amount not to exceed \$561,363.82.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Star of the Sea Concrete Corp. of South River, New Jersey to undertake the Roadway and Drainage Improvements - Station Road - Phase I for an amount not to exceed \$561,363.82; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Star of the Sea Concrete Corp. of South River, New Jersey to undertake the Roadway and Drainage Improvements - Station Road - Phase I for an amount not to exceed \$561,363.82; and

BE IT FURTHER RESOLVED, that funds are available in Account Number X-04-55-959-940 for an amount not to exceed \$340,275.00 and in Account Number X-04-55-960-939 for an amount not to exceed \$221,088.82, for a total amount not to exceed \$561,363.82; and have been certified to by the Township of Marlboro's Chief Financial Officer; and

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

- a. Star of the Sea Concrete Corp.
- b. Township Engineer
- c. Birdsall Services Group
- d. Mayor Jonathan Hornik
- e. Township Business Administrator
- f. Township Chief Financial Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-296 (Award of Bid - Improvements to Station Road Star of the Sea Concrete Corp.) was introduced by reference, offered by Councilwoman Marder and seconded by Council Vice President LaRocca. After discussion, the resolution was passed on roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-296

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE  
PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES  
AND THE TOWNSHIP OF MARLBORO FOR ENGINEERING  
SERVICES IN CONNECTION WITH THE IMPROVEMENTS TO STATION  
ROAD - PHASE I, MARLBORO TOWNSHIP, NEW JERSEY

WHEREAS, the Township is in the process of the reconstructing of Station Road from Route 79 to Briarcliff Drive (Phase I), known as Improvements to Station Road - Phase I, Township of Marlboro, New Jersey (the "Project") and is in need of professional engineering services to undertake construction administration services for the Project (the "Professional Services"); and

WHEREAS, the Township of Marlboro and CME Associates have previously entered into a Professional Services Contract, awarded under a non-fair and open process and seeks to amend such Contract to expand the scope of services to include the above-described Professional Services for a fee not to exceed \$46,500.00 for such additional Professional Services as further described and set forth in CME's written proposal dated July 28, 2009 (the "Proposal"), such Proposal being attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Account # X-04-55-960-930; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire CME Associates to provide the required additional Professional Services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 26 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an Amendment to the Professional Services Contract, in a form legally acceptable to the Township Attorney, between CME Associates and the Township of Marlboro to provide the additional Professional Services (as described and defined hereinabove) in accordance with the Proposal (as defined hereinabove and attached hereto), pursuant to a non-fair and open process; and

BE IT FURTHER RESOLVED, that this Amendment to the Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$46,500.00 for such additional Professional Services described in the Proposal; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution;

BE IT FURTHER RESOLVED, that a copy of the Amendment to the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of this Amendment to the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Township Administrator
- c. Township Chief Financial Officer
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-297 (Advising and Consenting to Ethics Board Appt. - David E. Wolff) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-297

A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT  
OF DAVID E. WOLFF TO THE MARLBORO TOWNSHIP  
ETHICAL STANDARDS BOARD

WHEREAS, Section 14-7 of the Code of the Township of Marlboro established the Marlboro Township Ethical Standards Board; and

WHEREAS, said Board consists of six members appointed by the Mayor with the advice and consent of the Township Council; and

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

WHEREAS, initially, two members were appointed to serve for terms of five years, one member was appointed to serve for a term of four years and the remaining members were appointed to serve for terms of three years; and

WHEREAS, there is a vacancy in the remainder of one of the five year term appointments; and

WHEREAS, the Mayor has made the following appointment to the Marlboro Township Ethical Standards Board to replace such vacancy: David E. Wolff for the unexpired term of Stanley W. Rosen, Esq., such term to expire 3/31/2010; and

WHEREAS, the Township Council desires to consent to the Mayor's replacement appointment to the Marlboro Township Ethical Standards Board.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro consents to the following replacement appointment made by the Mayor to the Marlboro Township Ethical Standards Board of David E. Wolff.

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

- a. David E. Wolff
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-298 (Award of Bid - Reconstruction of 9/11 Memorial) was introduced by reference, offered by Council Vice President LaRocca and seconded by Councilwoman Marder. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-298

A RESOLUTION AWARDING A CONTRACT TO DOWN TO EARTH  
LANDSCAPING, INC. FOR THE REFLECTIONS MEMORIAL  
RECONSTRUCTION IN THE TOWNSHIP OF MARLBORO, NEW JERSEY

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the Reflections Memorial Reconstruction in the Township of Marlboro and on July 28, 2009 received three (3) bids therefor; and

WHEREAS, the three (3) bids received were from the following bidders:

Bidder	Bid Amount
Down to Earth Landscaping, Inc.	\$54,970.00
V & K Construction Corp.	\$79,535.00
Precise Construction, Inc.	\$92,400.00; and

WHEREAS, the Township Administration and the Township's Engineer have reviewed the said bids received and recommended that same be awarded to Down to Earth Landscaping, Inc. as the lowest responsible bidder, with a waiver of the minor bid irregularity of the bid package not being submitted intact; and

WHEREAS, the Mayor and Township Council have indicated their desire to award a contract to Down to Earth Landscaping, Inc. of Jackson, New Jersey to undertake the Reflections Memorial Reconstruction for an amount not to exceed \$54,970.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Down to Earth Landscaping, Inc. of Jackson, New Jersey to undertake the Reflections Memorial Reconstruction for an amount not to exceed \$54,970.00, with a waiver of the minor bid irregularity of the bid package not being submitted intact; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Down to Earth Landscaping, Inc. of Jackson, New Jersey to undertake the Reflections Memorial Reconstruction for an amount not to exceed \$54,970.00; and

BE IT FURTHER RESOLVED, that funds are available in Account Number 9-01-55-901-209 for an amount not to exceed \$54,970.00; and have been certified to by the Township of Marlboro's Chief Financial Officer; and

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

- a. Down to Earth Landscaping, Inc.
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Gregory Valesi, P.E., CME Associates, Township Engineers
- f. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Res. # 2009-299 (Authorizing Discharge of Mortgage - 406 Perry Street) was introduced by reference, offered by Council President Rosenthal and seconded by Council Vice President LaRocca and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-299

A RESOLUTION AUTHORIZING THE EXECUTION OF A DISCHARGE OF MORTGAGE FOR THE PROPERTY KNOWN AS BLOCK 119.01, LOT 69 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, on December 8, 2000, the Township of Marlboro Housing Rehabilitation Program granted a Mortgage and Mortgage Note to Martin Levy and Robin Levy the owners ("Owners") of the property known as Block 119.01, Lot 69 on the official tax map of the Township of Marlboro, Monmouth County, New Jersey (the "Property") for the amount of Five Thousand Five Hundred and Seventy-Five Dollars and 00/100 (\$5,575.00) (the "Mortgage"), for the purpose of correcting defects in the house and satisfying Section 8 of the Housing Code Standards; and

WHEREAS, Paragraph B of the Mortgage Note states that repayment of such Mortgage loan amount shall be forgiven six (6) years from

the date of the Mortgage Note, provided that the borrower continues to own and occupy the Property as borrower's primary residence for the six (6) year period and complies with all the terms and conditions of the Mortgage Note, the Rehabilitation Deferred Loan Agreement and the Township of Marlboro Housing Rehabilitation Program's guidelines and procedures; and

WHEREAS, the six (6) year term of the Mortgage Note has been exceeded and the Owners continue to own and reside in the Property as the primary residence and have complied with all the terms and conditions of the Mortgage Note, the Rehabilitation Deferred Loan Agreement and the Township of Marlboro Housing Rehabilitation Program's guidelines and procedures; and

WHEREAS, the Owners have requested that the Township of Marlboro execute a Discharge of Mortgage for recording in the Monmouth County Clerk's Office to evidence that this Mortgage has been satisfied of record and the Property is free of this lien; and

WHEREAS, the Township Council agrees that a Discharge of Mortgage should be executed and recorded in the Monmouth County Clerk's Office to evidence that this Mortgage has been satisfied of record and the Property is free of this lien.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that the Township of Marlboro Housing Rehabilitation Program is hereby authorized to execute a Discharge of Mortgage for the Property (as defined and described hereinabove), a copy of which is attached hereto, to be recorded in the Monmouth County Clerk's Office, to evidence that the Mortgage (as defined and described hereinabove) has been satisfied of record and that the Property is free of this lien; and

BE IT FURTHER RESOLVED, that the executed Discharge of Mortgage shall be duly forwarded to the Owner's legal representative, Thomas E. Downs, Esq., Attorney at Law, at 415 Main Street, PO Box 3145, South Amboy, New Jersey for recording in the Monmouth County Clerk's Office; and

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

- a. Thomas E. Downs, Esq.
- b. Mayor Jonathan Hornik
- c. Township Administrator
- d. Town of Marlboro Housing Rehabilitation Program
- e. DeCotiis, Fitzpatrick, Cole & Wisler, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni): Res. #2009-300 (Change Fund Building Dept.), Res. #2009-301 (Refunds for Overpayments - Various), Res. #2009-302 (Disabled Veteran Exemption B. 312 L 111), Res. #2009-303 (Canceling 2009 Taxes - Midway Mobile B. 147, L.43), Res. #2009-304 (Mon. Cty. Bd. Of Taxation - 2009 Taxes - Various), Res. #2009-305 (Mon. Cty. Bd. Of Taxation - 2009 Taxes - B.157, L.3.26, Res. #2009-307 (Raffle License - Jewish Community Center of Western Monmouth - On Premise 50/50, Res. #2009-308 - Raffle License - Jewish Community Center of Western Monmouth - Non-draw - Casino Night), Res. #2009-309 (Raffle License - Mustang Parents Football Club Corp. - On Premise 50/50), Res. #2009-310 (Raffle License - Mustang Parents Football Club Corp. - On Premise 50/50) and Res. #2009-311 (Raffle License - Marlboro Elementary School - On Premise Merchandise).

RESOLUTION # 2009-300

WHEREAS, the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey had previously authorized the establishment of a change fund for both the Tax Office and Municipal Court in the amounts of \$200 (two hundred) apiece, and the Clerk's office in the amount of \$50.00;

WHEREAS, a request has been made that the Building Department also be authorized to establish a change fund, and

WHEREAS, it has been determined that the Building Department needs a change fund of \$200.00 (two hundred dollars).

NOW, THEREFORE, BE IT RESOLVED that the Building Department is hereby granted permission to establish the aforementioned change fund in the designated amount.

RESOLUTION # 2009-301

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2009, and,

WHEREAS, the 2009 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$5,070.03 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
106	2	Samuel McKenzie 35 Wicker Place Morganville, NJ 07751	\$ 546.28
156	1	Scott & Kristin Borbely 45 Schanck Road Morganville, NJ 07751	235.32
176.01	79	Natalia & Venkaterina Nikolaeva 1 Burr Avenue Morganville, NJ 07751	67.49
193.11	23.02	Richard & Maureen Gorecki 100 Station Road Morganville, NJ 07751	3,937.75
219	7	John Perri, Jr. 10 Orchard Street Marlboro, NJ 07746	273.48
300	89	Raees Booter & Nabeela Kausar 192 Church Road Morganville, NJ 07751	9.71
TOTAL:			\$5,070.03

RESOLUTION # 2009-302

WHEREAS, a permanently disabled veteran exemption was granted to Neil Haimson, Block 312 Lot 111, located on 17 Alberta Drive, and,

WHEREAS, this exemption was for the period beginning June 22 and taxes were paid until June 30,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$507.98 to the above-mentioned taxpayer.

RESOLUTION # 2009-303

RESOLUTION CANCELING 2009 TAXES ON THE PROPERTY  
LEASED BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION AT  
BLOCK 147, LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2009 real estate taxes assessed against the property must be canceled.

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

1. That the 2009 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$16,045.64, are hereby canceled.

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

- a. Midway Mobile Homeowner's Association
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor

RESOLUTION # 2009-304

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year, 2009, as per the attached Schedule "A",

WHEREAS, the 2009 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$194,495.53,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to

apply the amount of \$194,495.53 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
167 256 Route 79	13	1400 N. Charlotte Street Corp. 477 Chestnut Street Union, NJ 07083	\$ 2,955.21
180 45 Nikki Court	29	Vyacheslav Akselrod 45 Nikki Court Morganville, NJ 07751	9,176.32
143.06 275 Cardiff Dr.	7	Sami A. Elyamiene 275 Cardiff Drive Morganville, NJ 07751	1,566.78
153 10 Chamonix Lane	109	Tommy W. & Tam Leung, M.M. Tam & C.L.A. Tam 10 Chamonix Lane Morganville, NJ 07751	8,806.20
157 300 Farm Bridge Rd.	3.02	Shakim & Tonya Compere 300 Farm Bridge Road Marlboro, NJ 07746	242.02
159.01 199 Independence Way	7	Todd R. & Suzanne J. Heligman 199 Independence Way Morganville, NJ 07751	3,163.27
171 36 Devonshire Dr.	41	Louis & Maryellen Stracquadanio 36 Devonshire Drive Morganville, NJ 07751	420.35
180 319 Tennent Rd.	11	Alexander V. & Nadine L. Ingham 319 Tennent Road Morganville, NJ 07751	367.05
180 9 Evan Drive	21	David & Debra Gherman 9 Evan Drive Morganville, NJ 07751	3,143.15

180	32	Haskell L. Grooms	6,396.00
23 Evan Drive		PO Box 106 Old Bridge, NJ 08857	
180	33	Sajidah I. & Syed B.	6,193.49
24 Evan Drive		Husain 24 Evan Drive Morganville, NJ 07751	
180	36	Harold & Robin Lebwohl	4,678.87
20 Evan Drive		20 Evan Drive Morganville, NJ 07751	
180	37	Mohammad Ashraf	6,358.03
18 Evan Drive		263 Savoy Avenue Edison, NJ 08820	
180	44	Ahron & Miriam Jundef	3,645.21
6 Evan Drive		6 Evan Drive Morganville, NJ 07751	
180	47	Stephanie Markel	9,918.86
35 Eric Court		35 Eric Court Morganville, NJ 07751	
180	50	Seshagiri R. & Gulab	4,240.09
34 Eric Court		Vuppala 34 Eric Court Morganville, NJ 07751	
180	83.18	Jonathan & Joan Gruebel	3,463.79
375 Deerfield Road		375 Deerfield Road Morganville, NJ 07751	
180.01	28	Jason Jiang & Xiang Ding	3,548.17
300 Deerfield Road		300 Deerfield Road Morganville, NJ 07751	
193	42	Frederic J. & Debra M.	3,706.75
21 Opatut Court		Giordano 21 Opatut Court Morganville, NJ 07751	
193.13	40	Guy J. & Jeanette Fecci	1,469.11
184 Scarborough Way		184 Scarborough Way Marlboro, NJ 07746	

193.13	116	Zakaria M. Shaker & Magda R. Rezkalla	2,479.66
121	Scarborough Way	121 Scarborough Way Marlboro, NJ 07746	
193.13	119	Sayed & Bosayna Arafa	1,927.68
115	Scarborough Way	115 Scarborough Way Marlboro, NJ 07746	
193.16	11	Martin & Barbara Moscowitz	832.21
413	Edinburgh Pl.	413 Edinburgh Place Marlboro, NJ 07746	
249	11	James & Michelle Colletti	2,690.19
15	Escher Drive	15 Escher Drive Marlboro, NJ 07746	
251	3	Roseann Guida Citron	1,267.21
6	Carter Drive	6 Carter Drive Marlboro, NJ 07746	
268.01	44	Marlboro Square LLC	6,328.50
172	Route 9	9 Clayton Road Englishtown, NJ 07726	
269	14	Amwell Enterprises Inc.	1,843.70
55	Willow Lane	c/o Auciello 69 Paterson Street New Brunswick, NJ 08901	
269	15	Amwell Enterprises Inc.	2,497.64
Willow Lane		c/o Auciello 69 Paterson Street New Brunswick, NJ 08901	
288	29 C0357	Ceil Dresher	1,253.04
357	Sunshine Court	357 Sunshine Court Englishtown, NJ 07726	
305	90	Bruce & Laurie Bzura	4,244.31
224	Tracy Drive	224 Tracy Drive Morganville, NJ 07751	
305	100	Jeannette Erbst	4,244.31
160	Micki Drive	160 Micki Drive Morganville, NJ 07751	
305	101	Michele Rogers	4,864.50

156 Micki Drive		156 Micki Drive Morganville, NJ 07751	
331	54.08	Charles & Laura Anastasia 34 Robertsville Rd. Marlboro, NJ 07746	3,666.31
331	62.05	Michael & Angela Reznick 9 Bennett Court Marlboro, NJ 07746	4,991.07
359.01	6	Nabil & Evon Morcos 14 Witherspoon Way Marlboro, NJ 07746	3,056.46
359.01	12	Schmuel & Jessica Jundef 12 Ellery Place Marlboro, NJ 07746	3,831.10
359.01	13	Anthony Carnevale 11 Ellery Place Marlboro, NJ 07746	3,557.45
360	1.03	Yasser Elgamal & Rahab 6 Castlehill Drive Marlboro, NJ 07746	3,195.39
371	76	Osama & Heba Awad 7 Weathervane Way Marlboro, NJ 07746	1,890.29
392.02	11	Gjergj Gjieli 8 Whistler Way Marlboro, NJ 07746	1,970.28
393	23.02	Robert & Marianna Cini 4 Silvers Road Marlboro, NJ 07746	1,590.56
420	18	Mark A. & Dorothy T. Doyle 7 Craig Drive Marlboro, NJ 07746	13,947.73
420	19	Karen Warner Fox 3 Cottage Lane Marlboro, NJ 07746	6,845.46

420	26	Norman & Christine Swanson	7,822.18
11 Cottage Lane		11 Cottage Lane	
		Marlboro, NJ 07746	
420	40	Peter Wu & Patty Chen	5,494.05
91 Durand Drive		91 Durand Drive	
		Marlboro, NJ 07746	
420.02	5	Avi & Judy Kashi	4,812.03
3 Diamond Hill Road		3 Diamond Hill Road	
		Marlboro, NJ 07746	
421.01	11	Nicholas & Sue-San	9,893.50
6 Dutch Lane Road		Antonelli	
		6 Dutch Lane Road	
		Marlboro, NJ 07746	

TOTAL: \$194,495.53

RESOLUTION # 2009-305

WHEREAS, the Monmouth County Board of Taxation has granted a judgment in the amount of \$16,066.86 to Enclave At Cannon Hill, LLC, Block 157 Lot 3.26 for the year, 2009,

WHEREAS, the 2009 taxes have an unpaid balance of \$14,940.79, the Tax Collector is directed to apply this amount,

HOWEVER, because the judgment exceeds the amount applied, the Tax Collector is directed to refund the difference of \$1,126.07.

RESOLUTION # 2009-307

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 17-09 (On Premise 50/50) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2009 from 7:00 PM - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2009-308

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 18-09 (Non-draw - Casino Night) be and it is hereby granted to Western Monmouth Jewish Services Council, Inc., 100 U. S. Highway 9, Suite 7, The Galleria, Manalapan, New Jersey 07726.

BE IT FURTHER RESOLVED that said Raffle will be held on October 22, 2009 from 7:00 PM - 11:00 PM at Marlboro Jewish Center, 103 School Road West, Marlboro, N. J. 07746.

RESOLUTION # 2009- 309

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 19-09 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on the following dates and times:

October 3, 2009	12:30 - 3: PM
October 17, 2009	1:30 - 4: PM
October 31, 2009	12:30 - 3:PM
November 14, 2009	12:30 - 4: PM

at Marlboro High School, 95 North Main Street, Marlboro N.J. 07746.

RESOLUTION # 2009-310

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 20-09 (On Premise 50/50) be and it is hereby granted to Mustang Parents Football Club Corp., 95 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 17, 2009 at 6:30PM - 9:00PM at Marlboro Township Sports Complex, Wyncrest Road, Marlboro, NJ 07746.

RESOLUTION # 2009-311

BE IT RESOLVED by the Township Council of the Township

of Marlboro that a Raffle License # RL: 21-09 (On Premise Merchandise) be and it is hereby granted to Marlboro Elementary School PTA, 100 School Road West, Marlboro, NJ 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on September 24, 2009 from 7 - 10 PM at Marlboro Elementary School, 100 School Road West, Marlboro, NJ 07746.

The following Res. # 2009-312 (Appointment - Zoning Board of Adjustment Frank Yozzo - to fill unexpired term of Steven Pitchon) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-312

RESOLUTION APPOINTING ZONING BOARD  
OF ADJUSTMENT MEMBER

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provides that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint Frank Yozzo to serve as a member of the Zoning Board of Adjustment, as Alternate #2, to fill the unexpired term of Steven Pitchon, expiring Dec. 31, 2009.

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

That it hereby appoints Frank Yozzo to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above. The following Res. # 2009-313 (Authorizing personal services contract For 2009 Added Assessments) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Tragni).

RESOLUTION # 2009-313

A RESOLUTION AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH RENEE FROTTON, C.T.A., TO ASSIST IN THE PREPARATION

OF THE 2009 ADDED ASSESSMENTS FOR THE TAX ASSESSOR'S  
OFFICE OF THE TOWNSHIP OF MARLBORO,  
MONMOUTH COUNTY, NEW JERSEY

WHEREAS, the Township of Marlboro's Tax Assessor's Office needs assistance in preparing the 2009 Added Assessments for the Township of Marlboro (the "Tax Assessor Services"); and

WHEREAS, the Tax Assessor's Office has proposed that the Township of Marlboro enter into a contract with Renee Frotton, C.T.A., to assist in the preparation of the 2009 Added Assessments at a rate of \$20.00 per hour, for total compensation not to exceed \$1,000.00; and

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

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that it hereby authorizes a personal services contract with and payment to Renee Frotton, C.T.A., Tax Assessor Services at a rate of \$20.00 per hour, for total compensation not to exceed \$1,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds will be made available for the amount of \$1,000.00 from Account No: 9-01 - - 045 - 288; and

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

- a. Renee Frotton, C.T.A.
- b. Mayor Jonathan Hornik
- c. Township Business Administrator
- d. Township Tax Assessor
- e. Township Chief Financial Officer
- f. Township Director of Public Works
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP



ABSTAIN: Tragni

ABSENT: Cantor

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ALIDA MANCO,  
MUNICIPAL CLERK

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STEVE ROSENTHAL,  
COUNCIL PRESIDENT