

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

November 3, 2016

The Marlboro Township Council held its regularly scheduled Meeting on November 3, 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: Councilman Cantor, Councilman Metzger, Councilman Scalea, Council President Mazzola. Council Vice President Marder 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 October 20, 2016 be approved. This was seconded by Councilman Scalea, and passed on a roll call vote of 4 - 0 in favor. (Absent: Marder).

The following Resolution #2016-323 (Authorizing Approval of Developer's Agreement - Oak Hill at Marlboro - Site) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-323

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND OAK HILL AT MARLBORO, LLC IN CONNECTION WITH SITE PLAN APPROVAL FOR THE SITE LOCATED ON BLOCK 143 LOT 11.01, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, On June 15, 2016 the Planning Board of the Township of Marlboro ("Planning Board") adopted a Resolution P.B. 1108-14 granting Preliminary and Final Major Subdivision Approval to owner and developer Oak Hill at Marlboro, LLC ("Developer") and for the development of property known as Block 143, Lot 11.01, 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 of 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 between the Township of Marlboro and Oak Hill at Marlboro, LLC for the Preliminary and Final Major Site Plan Approval issued for the site located on Block 143, Lot 11.01, 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 #2016-324 (Authorizing Approval of Developer's Agreement - Oak Hill at Marlboro - Water Improvements) was introduced by reference, offered by Councilman Scalea and seconded by Councilman Metzger and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-324

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO, AND OAK HILL AT MARLBORO, LLC IN CONNECTION WITH PRELIMINARY, TENTATIVE AND FINAL WATER SERVICE APPROVAL FOR THE SITE LOCATED ON BLOCK 143 LOT 11.03-11.20, NOLAN ROAD, TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY

WHEREAS, Oak Hill at Marlboro, LLC (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 Nolan Road, which is known as Block 143, Lot 11.03-11.20, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, (the "Site") to construct

17 residential units on a proposed cul-de-sac (the "Project"); 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 Oak Hill at Marlboro, LLC (the "Developer") for the Preliminary, Tentative and Final Water Service Approval issued for the site located on Block 143, Lot 11.03-11.20, on the Official Tax Map of the Township of Marlboro, Monmouth County New Jersey, which is located on Route 9, 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. Oak Hill at Marlboro, 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

The following Resolution #2016-325 (Appointments to Zoning Board of Adjustment) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Scalia and passed on a roll call vote of 4 - 0 in favor (Absent: Marder).

RESOLUTION # 2016-325

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint KAMALPREET VIRDI to fill the unexpired term of Ira Levin, expiring 12/31/2017;

WHEREAS, the Township Council wishes to appoint MARTIN POWERS to serve as Alternate #1, to fill the unexpired term of KAMALPREET VIRDI, expiring 12/31/2016.

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

That it hereby appoints KAMALPREET VIRDI to the Marlboro Township Zoning Board of Adjustment for a term expiring 12/31/17 and MARTIN POWERS as Alternate #1 on the Marlboro Township Zoning Board of Adjustment for a term expiring 12/31/16.

As the Consent Agenda, the following resolutions were introduced by reference, offered by Councilman Scalea and seconded by Councilman Metzger, and passed on a roll call vote of 4 - 0 in favor (Absent: Marder): Res. #2016-326 (Authorizing Preparation of Survey - Stattel Farm - B 225, L 191), Res. #2016-327 (Authorizing Auction of Surplus Property) Res. #2016-328 (Authorizing Agreement Monmouth County - SCAT), Res. #2016-329 (Authorizing 2016 Budget Transfers), Res. #2016-330 (Authorizing Fireworks Display Permit - Hindu Temple), Res. #2016-331 (Confirming Change Order to Emergency Contract and Approving Expenditures - Aboveground Storage Tank Rental) Res. #2016-332 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of Lien by Tax Collector - 5 Crossridge Circle), Res. #2016-333 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 12 Colony Drive), Res. #2016-334 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 13 N. Main Street Drive), Res. #2016-335 (Authorizing Removal of Hazardous

Overgrown Vegetation and Recording of a Lien by Tax Collector - 16 Jennifer Court), Res. #2016-336 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 16 Lawton Road), Res. #2016-337 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 19 Leonard Drive), Res. #2016-338 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 21 Samantha Drive), Res. #2016-339 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 25 Girard Street), Res. #2016-340 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 30 Duncan Drive),), Res. #2016-341 (Authorizing Removal of Hazardous Overgrown Vegetation and Recording of a Lien by Tax Collector - 139 Tennent Road), Res. #2016-342 (Mortgage Subordination - 524 Tivoli Court), Res. #2016-343 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2016-326

A RESOLUTION AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT BETWEEN MASER CONSULTING, P.A. AS TOWNSHIP ALTERNATE ENGINEER AND THE TOWNSHIP OF MARLBORO FOR PREPARATION OF GREEN ACRES SURVEY IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM", LOCATED ON ROUTE 520, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 225, LOT 191

WHEREAS, the Township is in need of a Green Acres survey in connection with the acquisition of the property "Stattel Farm", located on Route 520, Marlboro, New Jersey, also known as Block 225, Lot 191; and

WHEREAS, MASER CONSULTING, P.A. has provided a proposal dated October 25, 2016 (the "Proposal") for the professional services required in connection with the land acquisition; and

WHEREAS, the Township of Marlboro and Maser Consulting, P.A. have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$7,700.00 for such Professional Services, as further described and set forth in Maser's Proposal, 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 in the amount of \$7,700.00 are available for this purpose from Capital Fund Account #04-215-11-04A-140291; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with Maser Consulting to provide the required additional Professional Services for the Project 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, MASER CONSULTING, P.A. has previously completed and submitted a Business Entity Disclosure of Campaign Contributions and the Determination of Value in accordance with P.L. 2005, c.271.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between MASER CONSULTING, P.A. and the Township of Marlboro, to expand the scope of services to include PREPARATION OF GREEN ACRES SURVEY IN CONNECTION WITH THE ACQUISITION OF THE PROPERTY "STATTEL FARM", LOCATED ON ROUTE 520, MARLBORO, NEW JERSEY, ALSO KNOWN AS BLOCK 225, LOT 191 ("Professional Services") by way of its Alternate Township Engineer, at a fee not to exceed \$7,700.00 for such Professional Services, as further described and set forth in Maser's Proposal be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this 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 \$7,700.00 for such additional

Professional Services for the Project as described in the Proposal and

BE IT FURTHER RESOLVED, that a copy of 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 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. MASER CONSULTING, P.A., 311 Newman Springs Road Suite 203, Red Bank, New Jersey 07701
- b. Township Business Administrator
- c. Township Chief Financial Officer

RESOLUTION # 2016-327

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

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

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

WHEREAS, LFN-2008-9 sets forth procedural guidelines regarding the use of an on-line public auction for the sale of such municipal personal property not needed for public use; and

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

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

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

1. The Township hereby determines that its personal property described on Exhibit "A" attached hereto and made a part hereof and entitled "Surplus Property of the Township of Marlboro" and dated October 20, 2016 is personal property no longer needed for public use by the Township of Marlboro; and
2. The Township further determines that such surplus personal property listed on Exhibit "A" shall be sold by auction on-line by govdeals.com; and
3. The sale of such surplus property listed on Exhibit "A" shall be conducted pursuant to the procedures set forth in Local Finance Notice 2008-9; and
4. The terms and conditions of the Agreement between the Township of Marlboro and govdeals.com are available for public viewing at the website of govdeals.com and on file in the Clerk's Office of the Township of Marlboro; and
5. The Mayor or Business Administrator and Township Clerk are hereby authorized to execute and witness, respectively, the On-Line Auction Agreement and any other documents required to effectuate the sale of the Township's surplus personal property described in Exhibit "A"; and
6. The Township Clerk shall, pursuant to the terms of N.J.S.A. 40A:11-36, publish a legal newspaper advertisement informing the public as to the nature of the surplus property being sold and how to obtain more information on the internet based sale in the official newspaper of the Township of Marlboro as follows:
 - a. An announcement of the auction and that the item(s) shall be sold on-line;
 - b. the internet address for the sale being advertised;
 - c. the date and time of the auction and a general description of the surplus

personal property intended to be sold, however specific information for particular items, such as the VIN number for vehicles, is not required is not required in the newspaper advertisement; and

- d. a statement that bidders must pre-register with the approved internet based vendor and the internet address with registration information.

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

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

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

RESOLUTION # 2016-328

AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
COUNTY OF MONMOUTH, FOR SPECIAL CITIZENS AREA
TRANSPORTATION SYSTEM (SCAT) SERVICES TO ELIGIBLE PERSONS

WHEREAS, The Board of Chosen Freeholders of the County of Monmouth (hereinafter, "the County") has established the Special Citizens Area Transportation System (hereinafter, "SCAT"); and

WHEREAS, the Township of Marlboro has requested that the County provide services to eligible residents and wishes to enter into a Shared Services Agreement with the County for the provision of transportation services to eligible residents of Marlboro Township for the year 2017; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes local units to enter into shared services agreements for the provision of services, including the transportation services contemplated herein; and

WHEREAS, the proposed shared services agreement for SCAT is on file in the Township Clerk's office in accordance with the provisions of N.J.S.A. 40A:65-5(b); and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the proposed

shared services agreement in a form similar as that attached hereto for the provision of transportation services pursuant to the "Special Citizens Area Transportation System" ("SCAT") to eligible residents of Marlboro Township for the year 2017; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the shared services agreement authorized herein shall be filed with the Division of Local Government Services in the Department of Community Affairs for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the shared services agreement authorized herein shall be open to the public for inspection in the Township Clerk's Office; and

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to:

- a. Monmouth County
- b. Business Administrator
- c. Ted Ernst, Recreation Director
- d. Chief Financial Officer

RESOLUTION # 2016-329

BUDGET TRANSFERS

CURRENT:		
Account	From	To
Recreation Salaries & Wages	\$ 5,000.00	
Employee Insurance Other Expenses	75,000.00	
Legal Services Other Expenses		\$ 75,000.00
Recreation Other Expenses		5,000.00
	<u>\$ 80,000.00</u>	<u>\$ 80,000.00</u>
RECREATION:		
Account	From	To
Recreation Salaries & Wages	\$ 15,000.00	
Recreation Other Expenses		\$ 15,000.00
	<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>
WATER:		
Account	From	To
Water Operating Other Expenses	\$ 4,727.85	
NJEIT Loan Principal	110,272.15	
NJEIT Loan Interest		\$ 115,000.00
	<u>\$ 115,000.00</u>	<u>\$ 115,000.00</u>

RESOLUTION # 2016-330

RESOLUTION AUTHORIZING THE ISSUANCE OF A
FIREWORKS DISPLAY PERMIT TO THE HINDU
AMERICAN TEMPLE AND CULTURAL CENTER

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

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

WHEREAS, the HINDU AMERICAN TEMPLE AND CULTURAL CENTER ("Hindu Temple"), has applied for a permit to host a fireworks display as part of their annual carnival event on property owned by the HINDU TEMPLE within the Township of Marlboro on November 6, 2016, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, et seq. and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to the HINDU AMERICAN TEMPLE AND CULTURAL CENTER to host a fireworks display on November 6, 2016 for its annual carnival on property owned by the HINDU TEMPLE within the Township of Marlboro, such fireworks display to be undertaken by the HINDU TEMPLE's operator, Serpico Pyrotechnics, LLC, pursuant to N.J.S.A. 21:3-1, et seq., and more particularly N.J.S.A. 21:3-3, subject to the following terms and conditions:

1. Receipt of approval by the Chief of the Police and Fire Official in accordance with the terms set forth hereinabove;

2. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney; and

3. The execution of a Hold Harmless Agreement in a form acceptable to the Township Attorney; and

4. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's Fire Safety Certificate (Rules); and

5. The presentation of the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC's drivers' Safety Documents; and

6. Proof of issuance by the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its FAA Notification Letter; and

7. Proof from the HINDU TEMPLE's fireworks operator, Serpico Pyrotechnics, LLC, of its Worker's Compensation and Employers Liability Policy; and

8. Receipt of a copy of the Fireworks Contract Agreement between the HINDU TEMPLE and Serpico Pyrotechnics, LLC; and

9. Receipt of the Plot/Site Plan for the fireworks' display.

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

1. Hindu American Temple and Cultural Center
2. Serpico Pyrotechnics, LLC
3. The Chief of the Police and Fire Department.
4. The Fire Prevention Bureau.
5. Township Business Administrator.

RESOLUTION # 2016-331

A RESOLUTION CONFIRMING AMENDMENT TO EMERGENCY CONTRACT WITH AURORA ENVIRONMENTAL INC. FOR TEMPORARY ABOVEGROUND FUEL TANK RENTAL ASSOCIATED WITH THE FAILURE OF THE ABOVEGROUND DIESEL STORAGE TANK LOCATED ON TOWNSHIP PROPERTY PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, on October 16, 2014 the Director of Public Works reported to the Business Administrator that the aboveground diesel storage tank at the Township garage was failing; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for

bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, the Township promptly reported the resulting spill to the New Jersey Department of Environmental Protection (NJDEP), the Monmouth Joint Insurance Fund and the Environmental Joint Insurance Fund (EJIF), and the Business Administrator in consultation with the Director of Public Works and the Township Engineer determined that this constituted an emergency under the terms of N.J.S.A. 40A:11-6; and

WHEREAS, under State Contract #75554, Aurora Environmental, Inc. supplied proposals and was authorized to perform spill response, tank relocation and temporary tank installation and related services confirmed by the Municipal Council on January 29, 2015 (R.2015-066) totaling \$69,970.00; and

WHEREAS, during the tank remediation process the temporary aboveground tank rented from Aurora Environmental, Inc. was required for an additional three month period through April 2015 confirmed at a cost of \$8,400.00 (R.2015-177); and

WHEREAS, the Council confirmed the rental of the temporary tank for an additional thirteen month period through May 2016 (R.2015-388 & R.2016-179); and

WHEREAS, the project is still ongoing and the temporary above ground tank rental is required for an additional seven months at a cost of \$2,800.00 per month totaling \$19,600.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to confirm the amendment to the emergency contract awarded to Aurora Environmental Inc.; and

WHEREAS, funds have been certified by the Chief Financial Officer in the amount of \$19,600.00 in Reserve for Insurance account # 01-286-55-004 for this purpose.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that an amendment to the contract with Aurora Environmental Inc. whose address is 1102 Union Avenue, Union Beach, NJ 07735 in an amount not to exceed \$19,600.00 for TEMPORARY ABOVEGROUND FUEL TANK RENTAL

PURSUANT TO N.J.S.A. 40A:11-6 FOR THE DEPARTMENT OF PUBLIC WORKS, be and is hereby confirmed; and

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

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

RESOLUTION # 2016-332

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 5 CROSSRIDGE CIRCLE (BLOCK 412, LOT 110) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 5 Crossridge Circle (Block 412, Lot 110); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 5 Crossridge Circle, (Block 412, Lot 110) at a total cost of \$318.79; and

WHEREAS, it is recommended that the amount of \$318.79 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 12 Colony Road (Block 412, Lot 110) in the amount of \$318.79 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-333

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 12 COLONY DRIVE (BLOCK 420, LOT 28) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 12 Colony Road (Block 420, Lot 28); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 12 Colony Road, (Block 420, Lot 28) at a total cost of \$289.50; and

WHEREAS, it is recommended that the amount of \$289.50 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 12 Colony Road (Block 420, Lot 28) in the amount of \$289.50 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-334

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 13 NORTH MAIN STREET (BLOCK 223, LOT 12) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of

extremely over-grown grass, weeds and brush exists on the property known as 13 North Main Street, (Block 223, Lot 12); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 13 North Main Street, (Block 223, Lot 12) at a total cost of \$146.71; and

WHEREAS, it is recommended that the amount of \$146.71 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 13 North Main Street (Block 223, Lot 12) in the amount of \$146.71 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-335

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 16 JENNIFER COURT (BLOCK 320, LOT 4) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 16 Jennifer Court (Block 320, Lot 4); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and

"shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 16 Jennifer Court, (Block 320, Lot 4) at a total cost of \$96.71; and

WHEREAS, it is recommended that the amount of \$96.71 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 16 Jennifer Court, (Block 320, Lot 4) in the amount of \$96.71 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-336

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 16 LAWTON ROAD (BLOCK 212, LOT 4) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 16 Lawton Road (Block 212 LOT 4); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 16 Lawton Road, (Block 212, LOT 4 at a total cost of \$246.98; and

WHEREAS, it is recommended that the amount of \$246.98 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 16 Lawton Road, (Block 212, LOT 4) in the amount of \$246.98 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-337

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 19 LEONARD DRIVE (BLOCK 310, LOT 5) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 19 Leonard Drive (Block 310, Lot 5); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 19 Leonard Drive, (Block 310, Lot 5) at a total cost of \$189.50; and

WHEREAS, it is recommended that the amount of \$189.50 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 19 Leonard Drive (Block 310, Lot 5) in the amount of \$189.50 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-338

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 21 SAMANTHA DRIVE (BLOCK 119.05, LOT 15) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 21 Samantha Drive (Block 119.05, LOT 15); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 21 Samantha Drive, (Block 119.05, LOT 15) at a total cost of \$96.71; and

WHEREAS, it is recommended that the amount of \$96.71 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 21 Samantha Drive, (Block 119.05, LOT 15) in the amount of \$96.71 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-339

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 25 GIRARD STREET, (BLOCK 225, LOT 214) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of

extremely over-grown grass, weeds and brush exists on the property known as 25 Girard Street (Block 225, Lot 214); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 25 Girard Street, (Block 225, Lot 214) at a total cost of \$133.12; and

WHEREAS, it is recommended that the amount of \$133.12 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 25 Girard Street, (Block 225, Lot 214) in the amount of \$133.12 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-340

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 30 DUNCAN DRIVE (BLOCK 301, LOT 36) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 30 DUNCAN DRIVE (Block 301, Lot 36); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and

"shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 30 DUNCAN DRIVE, (Block 301, Lot 36) at a total cost of \$539.50; and

WHEREAS, it is recommended that the amount of \$539.50 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 30 DUNCAN DRIVE (Block 301, Lot 36) in the amount of \$539.50 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-341

A RESOLUTION AUTHORIZING THE REMOVAL OF HAZARDOUS OVERGROWN VEGETATION AND THE RECORDING OF A LIEN BY THE TAX COLLECTOR ON THE PROPERTY LOCATED AT 139 TENNENT ROAD (BLOCK 148, LOT 14) MARLBORO, NEW JERSEY

WHEREAS, the Administration has been advised by the Zoning Officer that a nuisance and hazardous condition in the form of extremely over-grown grass, weeds and brush exists on the property known as 139 TENNENT ROAD (Block 148, Lot 14); and

WHEREAS, attempts to abate and remediate such nuisance and hazardous condition have been unsuccessful; and

WHEREAS, pursuant to Chapter 278, Section 188 of the Code of the Township of Marlboro entitled "Abatement of hazard or nuisance by Township; lien.", the Municipality has the authority to abate a nuisance as authorized under N.J.S.A. 40:48-2.14 and "shall cause the cost as shown thereon to be charged against said lands"; and

WHEREAS, the Township has taken the necessary enforcement action and has abated the nuisance located at 139 TENNENT ROAD, (Block 148, Lot 14) at a total cost of \$954.65; and

WHEREAS, it is recommended that the amount of \$954.65 incurred by the Municipality to abate the nuisance be recorded as a lien against the property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, being the governing body thereof, that the Tax Collector is hereby authorized to record a lien against the property known as 139 TENNENT ROAD (Block 148, Lot 14) in the amount of \$954.65 to reflect the costs incurred by the Municipality to abate the nuisance to be added to the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes which shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION # 2016-342

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL AUTHORIZING A SUBORDINATION OF A REPAYMENT MORTGAGE DATED DECEMBER 16, 2009, AGAINST A PROPERTY LOCATED AT 524 TIVOLI COURT, MORGANVILLE, NEW JERSEY, AND OWNED BY ANNA DAVIDSEN

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 homeowner hereunder, Anna Davidsen, ("the Homeowner"), acquired a residence which is commonly known as 524 Tivoli Court, in Morganville, within the Township of Marlboro, and said home can be more specifically identified as Lot 7, Block 176, Qualifier C0524 ("the Residence"); and

WHEREAS, by virtue of the foregoing, the Residence, in addition to being subject to the Fair Housing Act, was also 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 Residence is a deed restricted, affordable unit which is subject to a repayment mortgage which was given to the Township of Marlboro on December 16, 2009, and recorded in the Monmouth County Clerk's on February 17, 2010, in Book OR-8820, at Page 6119 ("the Marlboro Mortgage"); and

WHEREAS, the Marlboro Mortgage was given to Marlboro Township by the Homeowner's former husband, David S. Davidsen, Jr.; and

WHEREAS, the Homeowner acquired the Residence as part of a divorce proceeding following the entrance of a judgment of divorce on April 20, 2016, between the Homeowner and her former spouse, David S. Davidsen, Jr.; and

WHEREAS, the parties' property settlement agreement provided that as a condition of the Homeowner acquiring sole ownership of the Residence, that she would make efforts to have an existing mortgage with Wells Fargo refinanced in order to have the Homeowner's former husband's name removed and released from said mortgage; and

WHEREAS, the Homeowner has now negotiated with Provident Bank ("the Lender") to refinance the existing first mortgage against the Residence which is held by Wells Fargo; and

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

WHEREAS, the Homeowner now desires to refinance and as a consequence thereof, she too asks the Marlboro Township Town Council to approve a subordination of the Marlboro Mortgage in order to facilitate her refinance application with Provident Bank; 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:

1. Township Business Administrator Jonathan Capp
2. Lynn Franco, Municipal Housing Liaison
3. Kenneth W. Biedzynski, Affordable Housing Special Counsel

RESOLUTION # 2016-343

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 3,201.54 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,

