

MARLBORO TOWNSHIP COUNCIL MEETING

October 21, 2021

The Marlboro Township Council held its regularly scheduled meeting on October 21, 2021 at 7:00 P.M. at the Marlboro Municipal Complex located at 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor 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 sent to the Asbury Park Press, the Star Ledger, News Transcript and the Board of Education Office on October 18, 2021; published in the Asbury Park Press on July 20, 2021; 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 Municipal Clerk called the Roll.

PRESENT: Councilwoman Marder, Councilwoman Mazzola, Councilman Scalea, Council Vice President Metzger and Council President Cantor.

Also present: Mayor Jonathan L. Hornik, Township Attorney Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Susan A. Branagan and Deputy Municipal Clerk Jennifer M. Johnson.

PRESENTATION: Hometown Heroes - Marlboro Township's Council Members presented the Hometown Hero award to the following members of the Marlboro Police Department: Sergeant Javier Garguillo, Officer Dennis Demiceli, Officer Pawel (Paul) Wcislo, Officer Adam Levine, Officer Charles Wilson, Officer Christopher Van Curen, Officer Donna Gonzalez and Officer Ryan Anzalone.

Councilwoman Mazzola moved that the Council meeting minutes of October 7, 2021 be approved. This was seconded by Councilwoman Marder, and passed on a roll call vote of 4 - 0 in favor. Councilman Scalea abstained.

The following Resolution #2021-314 (Authorizing Release of Performance Guarantees for the Site Improvements at Camelot West at Marlboro, LLC, Block 150, Lots 2,3,& 4) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman Scalea and passed on a roll call vote of 3 - 0 in favor. Councilwoman Mazzola and Council Vice President Metzger abstained.

RESOLUTION #2021-314

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR  
THE SITE IMPROVEMENTS AT CAMELOT WEST AT MARLBORO LLC,  
BLOCK 150, LOTS 2, 3, AND 4, LOCATED AT  
TENNET ROAD, MORGANVILLE NJ 07751

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from Liza A. Glazner, Kaplan Companies, for the release of the Township held Performance Guarantees in the form of a Bond and Letter of Credit for the Phase I and Phase II site improvements on the Site known as "Camelot West" (the "Site"), property known as Block 150, Lots 2, 3, and 4, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by Camelot West at Marlboro, LLC (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated July 13, 2021, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Bond and Letter of Credit amounts being held by the Township be released in their entirety; and

WHEREAS, the Township Council desires to release the performance guarantee Bond and Letter of Credit amounts in their entirety in accordance with the recommendation of the Township Engineer's report dated July 13, 2021.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Letter of Credit posted by the Developer, Camelot West at Marlboro, LLC, for the Phase I site improvements on the site known as Camelot West located on property known as Block 150, Lot 2, 3, and 4, Township of Marlboro, New Jersey, shall be released as follows:

1. Phase I Bond (First Indemnity of America Insurance Company, Bond No. FP0023323), in the original amount of \$886,713.00, present amount of \$267,221.76, shall be released in its entirety
2. Phase I Letter of Credit (Provident Bank, No. 8050002423) in the original amount of

\$98,523.67 (excludes accrued interest), and present amount of \$29,691.31 (excludes accrued interest), shall be released in its entirety

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the performance guarantees in the form of a Bond and Letter of Credit posted by the Developer, Camelot West at Marlboro, LLC, for the Phase II site improvements on the site known as Camelot West located on property known as Block 150, Lot 2, 3, and 4, Township of Marlboro, New Jersey, shall be released as follows:

1. Phase II Bond (First Indemnity of America Insurance Company, Bond No. FP0023324), in the original amount of \$275,538.16, present amount of \$138,351.46, shall be released in its entirety
2. Phase II Letter of Credit (Provident Bank, No. 8050002424) in the original amount of \$30,615.35 (excludes accrued interest), and present amount of \$15,372.38 (excludes accrued interest), shall be released in its entirety

BE IT FURTHER RESOLVED, that the above releases shall be subject to the posting of any and all outstanding review and/or inspections fee charges to the time of the performance guarantee release, the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$147,785.50 for Phase I and \$45,923.03 for Phase II (overall total \$193,708.53).

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

- a. Kaplan; Camelot West at Marlboro, LLC
- b. First Indemnity of America Insurance Company
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Engineer
- f. Township Attorney

As the Consent Agenda, the following resolutions were introduced by reference, offered by Council Vice President Metzger, seconded by Councilman Scalea and passed on a roll call vote of 4 - 0 in favor. Councilwoman Mazzola abstained.

RESOLUTION #2021-312

A RESOLUTION AUTHORIZING RENEWAL OF AN OPEN PUBLIC RECORDS  
SEARCH SYSTEM - RECORDS INFORMATION (OPRS-RIM) MANAGEMENT  
SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, under the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., local units, such as the County of Monmouth and the Township of Marlboro, may enter into shared services agreements with each other, provided that each local unit adopts a resolution authorizing the shared services agreement; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. ("Sunrise"), whereby the County is licensed to access and use Sunrise's web-based system known as the Open Public Records Search System - Records Information Management ("OPRS-RIM"); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may operate an OPRS-RIM system for itself and sublicense the use of OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a Shared Services agreement with the Township of Marlboro, whereby the Township will be authorized as a sublicensee to access and use the Monmouth County OPRS-RIM (the "Shared Services Agreement with Monmouth County"); and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically; and

WHEREAS, the Township Council of Marlboro Township believes that it is in the best interests of the Township for it to enter into the Shared Services Agreement with Monmouth County for the purposes described hereinabove.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Mayor and Municipal Clerk be and are hereby authorized to enter into an OPRS-RIM Shared Services Agreement with Monmouth County, in an amount not to exceed \$3,300 in a form substantially similar to that attached hereto; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that sufficient funds in the amount of \$3,300 are available for the aforesaid contract from Current Account 0-201-200-20281.

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the OPRS-RIM Shared Services Agreement with Monmouth County shall be filed with the Division of Local Government Affairs in the Department of Community Services for informational purposes; and

BE IT FURTHER RESOLVED, that a copy of the OPRS-RIM Shared Services Agreement with Monmouth County shall be on file in the Municipal 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 A. Arnone, Freehold Director, Monmouth County
- b. Township Business Administrator
- c. Chief Financial Officer

RESOLUTION #2021-313

AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND  
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION FISCAL YEAR 2022 LOCAL FREIGHT IMPACT FUND

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Marlboro formally approves the grant application for Local Freight Impact Fund which provides aid to counties and municipalities for transportation projects that address the impacts of freight travel in local communities and on local transportation infrastructure.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as Local Freight Impact Fund to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION #2021-315

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law

and the amount thereof was not determined at the time of the adoption of the budget; and

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

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of a revenue in the budget of the year 2021 in the sum of \$21,694.58, which has been awarded to the municipality for the "2021 Bulletproof Partnership" Grant.

Section 2

BE IT FURTHER RESOLVED, that the amount of \$21,694.58 be hereby appropriated under the caption "2021 Bulletproof Partnership" Grant.

RESOLUTION #2021-316

LIEN REDEMPTIONS

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$24,663.66 as per Schedule "A"; and

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the amount of \$24,663.66 be refunded to the certificate holders as per Schedule "A".

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2020-001	106/6.01	US BANK CF TOWER DB X TRUST 2020-1 50 S 16 <sup>th</sup> ST, STE 2050 Philadelphia, PA 19102 Assessed Owner: Avet Brothers, LLC	15,159.79
2020-020	176/7/C0789	KKG RE LLC 300 Main St, Suite 21 #1255 Madison, NJ 07940 Assessed Owner:	9,503.87

Hechko, Patricia A.

RESOLUTION #2021-317

TOWNSHIP LIEN REDEEMED

WHEREAS, Certificate of Sale #2019-007 was issued to The Township of Marlboro, 1979 Township Drive, Marlboro, New Jersey, for delinquent taxes on Block 120, Lot 2.01 (Texas Road), assessed to Salovic, Bilal & Minire, at a tax sale held on October 8, 2019; and

WHEREAS, Greta Elezi (daughter of assessed owners) on behalf of the assessed owners, Salovic, Bilal & Minire, has redeemed Certificate #2019-007 by paying the full amount of the delinquency.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, that the Mayor and Municipal Clerk of the Township of Marlboro are hereby authorized to endorse Certificate of Sale #2019-007 for cancellation.

RESOLUTION #2021-318

AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN BROOKSTONE AT CASOLA FARM LLC AND THE TOWNSHIP OF MARLBORO FOR THE DEVELOPMENT OF SIX SINGLE FAMILY LOTS AND ONE BASIN/OPEN SPACE LOT

WHEREAS, Brookstone at Casola Farm LLC (the "Developer") is the developer of certain real property known as Block 214, Lots 1 & 2 in the Township of Marlboro, County of Monmouth, State of New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the Developer made an application to the Marlboro Township Planning Board ("Planning Board") for Preliminary and Final Major Subdivision and Site Plan Approval Application No. PB-1195-19 to remove all existing site improvements and subdivide the Property into seven (7) new lots, six (6) for residential development and one (1) open space/stormwater management lot of 3 acres, as outlined in Resolution No. PB-1195-19 granting Preliminary and Final Major Subdivision Approval adopted on May 20, 2020 and memorialized on June 3, 2020 (hereinafter the "Project"); and

WHEREAS, the approved Subdivision and Site Plan calls for certain improvements, and the Developer has agreed to construct those improvements, as shown on the Approved Plan and records before the Planning Board, all of which were made part of a Developer's Agreement, attached hereto as Attachment A; and

WHEREAS, the Township Attorney has reviewed the attached agreements; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter into the Developer's Agreement in a form substantially similar to the attached agreements.

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

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Municipal Clerk be and are hereby authorized to execute the Developer's Agreement with Brookstone at Casola Farm LLC, for the purpose of memorializing the obligations and commitments of Casola Farm LLC, attached hereto and made a part hereof.
3. This Resolution shall take effect immediately.

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

- a. Brookstone at Casola Farm LLC
- b. Township Business Administrator
- c. Township Engineer
- d. Township Attorney

At 7:21 p.m., Council Vice President Metzger moved that the meeting be adjourned. This was seconded by Councilman Scalea, and as there was no objection, the Municipal Clerk was asked to cast one ballot.

MINUTES APPROVED: NOVEMBER 18, 2021

OFFERED BY: SCALEA

AYES: 4

SECONDED BY: MAZZOLA

NAYS: 0

ABSENT: METZGER

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SUSAN A. BRANAGAN,  
MUNICIPAL CLERK  
111821

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JEFF CANTOR,  
COUNCIL PRESIDENT