

COUNCIL OF THE TOWNSHIP OF MONROE

MINUTES

REGULAR MEETING – OCTOBER 7, 2013

The Council of the Township of Monroe met in the Municipal Building, 1 Municipal Plaza, for a Regular Meeting.

The Regular Meeting was Called to Order at 7:00 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag.

UPON ROLL CALL by Township Clerk, Sharon Doerfler, the following members of Council were present: Councilwoman Leslie Koppel, Councilman Michael Leibowitz and Council President Gerald W. Tamburro.

ALSO PRESENT for Council was: Mayor Richard Pucci, Business Administrator Wayne R. Hamilton, Township Attorney Joel L. Shain and Engineer Mark Rasimowicz for Feist Engineering.

ABSENT from the meeting was Councilman Stephen Dalina and Council Vice-President Henry L. Miller. (Council Vice-President Miller was contacted via speaker phone at that point in the meeting concerning Ordinances on Second Reading for Final Adoption so that he was able to cast his vote on each of the Ordinances and Resolutions under Consent Agenda.

There were approximately one hundred-forty (140) members of the Public present in the audience.

Council President Tamburro requested the Clerk to read the following **SUNSHINE LAW** into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice of this meeting has been provided by the following:

1. Posted on January 4, 2013 on the Bulletin Board of the Office of the Township Clerk in the Municipal Building, 1 Municipal Plaza and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 4, 2013;
3. Posted on January 4, 2013 on the Bulletin Boards within the Municipal Complex;
4. Posted on the Monroe Township website; and
5. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

The following **PROCLAMATION** of Mayor Richard Pucci was read into the record by title:

**PUT THE BRAKES ON FATALITIES DAY
October 10, 2013**

Council President Tamburro introduced Jay Brown and Al Carpenito, Program Supervisors for the Monroe Township Recreation Department, for a presentation of the Mayor's Cup Awards, complimenting them on a terrific job all year.

Jay Brown thanked the Mayor and Council for their support in making these programs possible and encouraged everyone to visit the Community Center where there are activities for both all ages.

Jay Brown and Council President Tamburro presented trophies to the following winning teams and their Captains who introduced their team members:

Senior Bowling League – Greenbriar

Captains Nancy Greenly (absent) and Hong Wu who advised his team members were unable to attend this evening because this is the same night as their bowling league.

Senior Bocce League – Concordia

Captain: Sal Barbino

Women's Bowling – Rossmoor

Captain: Linda Croake

Men's Bowling – Stonebridge

Captain: Frank Macchiaroli

Women's Golf – Regency

Captain: Linda Erlich

Men's Golf – Regency

Captain: Shelly Borak (absent) – Accepting the Trophy was Larry Erlich

Women's Tennis – Regency

Captain: Irene Tramontano

Men's Tennis "B" Division – Concordia

Captain: Bert Sills

Men's Tennis "A" Division – Stonebridge

Captain: Joel Greenberg

Basketball

High Point Scorer with 36 points – Bob Ambrosini

Basketball – Stonebridge

Captain: Emil Erlich

Duplicate Bridge

North – South

Saul Bloom & Ken Friedman

Duplicate Bridge

East – West

Eileen & Barry Salka (absent) - Accepting the Trophy was Ron Feldman

Duplicate Bridge – Encore

Captain: George Moehringer (absent)

Table Tennis Division Winner – Cranbury Crossing

Captain: Rich Rosenbloom

Table Tennis – Regency

Captain: Richard Lamb

Pickleball – Rossmoor

Captain: Frank Nobile

Shuffleboard – Encore

Captain: Les Bravemen

Bocce Division Winner – Encore

Captain: Mike Finelli

Bocce – Greenbriar
Captain: Carole Tamburro

Presenting the Trophy to the Greenbriar Bocce Team was Mayor Richard Pucci, Councilwoman Leslie Koppel and State Senator Linda Greenstein, with Council President Tamburro recusing himself.

The Mayor thanked Jay Brown and Al Carpenito for the great job they do, not only with the Senior Olympics, but throughout the year. He further commented on the passing of Councilman Dalina's father, Stephen "Pete" Dalina, who has been an outstanding Freeholder for many years in Middlesex County and gained his reputation as the Freeholder in charge of Parks. It was through his efforts that the Bocce Courts were built in Thompson Park.

Mayor Pucci introduced State Senator Linda Greenstein who stated how impressed she is with all of the participants in the Senior Olympics, and how they add new meaning to "active seniors".

Councilwoman Leslie Koppel congratulated all the participants and thought it was great that so many players were not able to be here to tonight because they are traveling, playing sports, or otherwise being active in some manner. She believes one of the benefits of the Senior Olympics is bringing all the communities together to meet one another and maybe possibly meeting and connecting with old acquaintances from the past. She thanked the Mayor and the Recreation Department for perpetuating these types of events.

Mayor Pucci advised everyone that Council Vice-President Miller, who has been the Ward 1 representative for many years and is retiring at the end of the year, couldn't be here this evening but sends his best to all the participants.

The Mayor introduced Councilman Michael Leibowitz as being a former football player and West Point graduate and so understands a little about the importance of sports. Councilman Leibowitz made reference to the fact that Bob Ambrosini, who won the Trophy for being the highest scorer on the basketball court, actually replaced him when he left the over 30 basketball league.

Mayor Pucci presented the Trophy to Greenbriar Bocce Team Captain Carole Tamburro who thanked the Mayor and introduced the members of her team, explaining that the team was broken up into the East/West section and then the four (4) players that won the overall championship in Bocce which were: Gerald W. Tamburro, Carmine Scavone, Ted Naccarella and Nancy Romano.

Council President Tamburro called a ten (10) minute Recess at 7:35 p.m. for picture taking and Recalled the meeting to Order at 7:45 p.m.

Council President Tamburro read the following **PROCLAMATION** of Mayor Pucci by Title into the record:

PUT THE BRAKES ON FATALITIES DAY
October 10, 2013

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the **CLAIMS** per run date of **09/26/2013** (Twp. & M.T.U.D.) were approved for payment as presented.

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council President Gerald W. Tamburro	Aye

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, the **MINUTES** of the **September 9, 2013 Regular Meeting** and **September 30, 2013 Agenda Meeting** were approved for adoption as written and presented.

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council President Gerald W. Tamburro	Aye

Council President Tamburro announced that because there are money issues on the Agenda this evening that will require a super majority (2/3 of the full membership), meaning 4 voting members. Council Vice-President Miller is sick, but he is home this evening and we will be reaching out to him on a conference call so that he will be able to participate in the meeting from this point forward and will be able to vote on the remaining Agenda items.

The call was put through to Council Vice-President Miller on a speaker phone and the equipment was operating properly and was able to hear and communicate clearly.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the following entitled Ordinance was moved on second reading for final passage: **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT"**. (Block 35, Lots 6.01 and 6.02 to be re-zoned from R3A to PD-SH)

ORDINANCE as follows:

BE IT ORDAINED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey, that the Code of the Township of Monroe, Chapter 108 entitled, "Land Development" shall be amended as follows:

SECTION 1.

§ 108-6.2. Official Zoning Map.

- A. The "Official Zoning Map" of Monroe Township, New Jersey, dated March 30, 2012, and as amended from time to time thereafter, is hereby amended for the purpose of re-zoning portions of Lots 6.01 and 6.02 in Block 35, as set forth on Page 50 of the Monroe Township Tax Map, from the R3A Rural Residential zone to PD-SH Planned Development Senior Housing, while ensuring that the portions of said lots remaining as R3A maintain at least 3 acres in area to comply with minimum lot area requirements for the R3A zone.

SECTION 2.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3.

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4.

This Ordinance shall take effect upon final passage and publication as provided by law subject to a copy being filed with the Middlesex County Planning Board.

Council President Tamburro opened the Public Hearing to Council and Public discussion.

There was no Council discussion.

Prior to calling upon the Public, Council President Tamburro advised that at the last meeting it was suggested to the parties, Mr. Busch and the people in his particular area of the development and Toll Bros., were to meet to try and iron-out whatever the differences are between what is being proposed and what may or can happen in the future with this piece of property. The parties involved were to come back to this Council with a substantial agreement, in writing.

Council President Tamburro opened the Public Hearing to Public Discussion, advising that everyone will be held to the five (5) minute rule.

Bertram Busch, 6 Memorial Court, Regency – Stated he understands the Council, based upon his communication with Administrator Hamilton, is prepared to Table the adoption of the Ordinance this evening to the November 6, 2013 meeting. Advised he did receive a letter from Tolls representative, Matt Markovich (Division V. President) late in the afternoon of October 3rd. He has been meeting with Toll Bros. representatives and people on their side of the town and finds it has become a bigger issue with other people in Regency as well. There was a meeting last night amongst the neighbors who are directly affected by the proposed re-zoning of this property and have submitted a counter proposal with copies being forwarded to the Mayor, Council, Administrator, Clerk and Walter Toto, who is representing Toll Bros. Mr. Busch stated they are in the process of negotiating but do not have a written agreement. Although the Public Hearing was held on September 9, 2013, the residents were not able to get together, for various reasons, until September 19th. Just last week, October 2nd, there was some positive movement, however, he feels the time schedule has been fairly tight and more time is needed.

Council President Tamburro acknowledged receipt of the proposal by Toll Bros. sometime during the middle of the week and received Mr. Busch's 10-Page response discussing the issues and the continued concerns. There has been some communication with Toll Bros. who has indicated that if it is the wish of the residents to delay action on this Ordinance for another 30-days, they have no objection. If everyone is amenable to this, the Council is amenable to delaying action on the Ordinance for an additional 30-days.

Mr. Busch stated that if there is a chance to possibly resolve some of the remaining issues, it would be in everyone's best interest, not only the people who border the hill, but the people north of Country Club, the Fairways collection, and including Toll Bros. Advised he is in agreement to postpone action to the November 6th meeting.

John Toth, 124 Kings Mill Road, Regency – Advised that Toll, Matt Markovich and his group did meet with the residents and put forth a good effort to resolve some of the issues, however, it is complicated. They made a presentation on September 30th at 7 pm, however, he feels a written agreement needs to be made, something to work from, which has just been received on October 3rd. He did not feel they are prepared at this particular meeting to come up with something solid, but are working on it.

Jack Kaye, 184 Tournament Drive, Regency – My friends and neighbors respect the Council's decision to postpone any decision on the rezoning of the tree farm and hopefully some satisfactory resolution with Toll Bros. can be arrived at. Mr. Kaye read the following statement into the record:

I have no other affiliation with Toll Bros. I am here to speak in support of the rezoning of the parcel of land on Route 613 known as the tree farm. If approved, my understanding is that Toll would like to building 50 single-family, age-restricted homes on the site and include these homes into the Regency at Monroe development. If Toll is able to proceed, Toll has agreed to reduce the number of Regency units from the previously approved build-out of up to 1,501 units, which include approximately 250-300 multi-family condominiums and will reduce it down to 1,327 units, which includes the proposed 50 units at the tree farm. This reduction of 174 units will result in the permanent elimination of all of the previously approved condominiums at Regency. I know that some of the residents, whose homes abutt the tree farm have raised concerns regarding privacy and it is very important that the Council consider their concerns. Toll Bros. has been meeting with the approximate twenty (20) homeowners to try to resolve those issues. I have seen two (2) proposals which clearly seem, to him, to preserve the privacy that these residents paid for and are certainly entitled to. These people are my neighbors and I am very sensitive to their concerns. I know they are upset also with the process that was followed to get us to this point, however, I hope they can separate the emotion they are feeling from the bigger picture, which is how much a permanent elimination of condo's and the reduction in unit count will mean to all of the residents. I believe that all 1700 plus residents currently at Regency, as well as the Township, could be negatively affected if Council fails to approve the rezoning of that small parcel. Many residents are concerned about the traffic patterns and safety issues, particularly related to the planned traffic light at the intersection of Buckelew (Route 522) and Route 613. I know Toll has committed to completing that project long before any homes are built at the tree farm. The delays to date have been caused by the difficulty the township has had in acquiring all the necessary parcels to complete the project and not because of Tolls reluctance to start the work. From inception, Regency has been considered one of the most upscale developments in Monroe. Toll has worked hard to maintain their reputation.

As a community, we value our relationship with the Township. Regency has been a good neighbor and we share many of the same goals and values to preserve, wherever possible, the rural nature of the town and minimize the impact that development has had on municipal services. Many of our residents are involved in numerous civic activities in support of the township. I truly believe that Toll will do more to protect the privacy of the twenty (20) or so affected homes than any other future owner of the tree farm parcel. I believe that Toll's commitment to the directly affected residents has already been made in writing. The tree farm, in my opinion, will ultimately be sold and no one can predict what will ultimately be approved for that site in the future, regardless of how the Council votes, either this evening or next month. By Toll agreeing to permanently eliminate the construction of multi-family units and reduce the number of total units by 174, this project will have a very significant positive impact on our community and the township. Every resident in Regency, including the affected residents that have expressed privacy concerns, will benefit if Tolls project is able to move forward. Approving the rezoning of the tree farm, which will permit Tolls project to proceed, will mitigate some of our significant concerns over the future adequacy of the size of the existing Clubhouse, pool area and other common areas at full build-out. Tolls proposal will reduce the number of ultimate residents using these facilities by at least three hundred-fifty (350) people. It will eliminate the need for a separate condominium association which never works in any community when you have two different organizations representing two different groups of people. It will enable Regency homeowners to protect their real estate values, which also impacts the township's real estate revenues and will mitigate, to some extent, the issues that the Council is constantly dealing with regarding over development. And lastly, it will potentially reduce the use of that terrible intersection at Route 613 and Buckelew (Route 522) by hundreds of cars each day. As I see it, it is a win-win for all concerned. I support the Council's commitment to public service. I support the rezoning of the tree farm and hope that each of you see the benefits to our residents and the entire community, as I do. Thank you for allowing me this time this evening. [Applause]

Charles Lerman, 11 Doral Drive, Regency - Stated he is a Trustee for Regency, who, upon election, is given a mandate to do what is in Regency's best interest. Advised a meeting was held about a year ago regarding the development of the D'Albero property as part of Regency and the consensus at that time was favorable. There was a meeting this past Wednesday to discuss the same issue, with over 300 in attendance, and the result was the same, with various requirements as outlined below:

- a. Grant a change in requirements on the D'Albero property to allow Toll Bros. to develop restricted "H" Housing as part of the Regency Development.
- b. Guarantee the privacy of the residents that back up to the tree farm as per diagram "A" and statements made by Toll Bros. to that effect.
- c. Any drainage issues that arise in the development of the D'Albero property will be remedied by Toll and restored to original state.
- d. Toll Bros. to maintain berm for one year.
- e. Toll Bros. to submit revised GDP to the town incorporating the reduction of homes to be developed in Regency from 1501 to 1327 and rescind their option to develop cluster condominiums.
- d. Furnish a letter to the Home Owners Association confirming an agreement to the above.

Mark Klein, 53 Turnberry Drive, Regency - 10 yr. resident of Regency – His understanding is that the hill will remain, the berms will be thicker, therefore, giving privacy to the people that have paid a premium for it. He also understands that the backs of these properties will be approximately 40' from the hill. If it is turned down, Toll will need to establish separate budget accounts and additional costs, separate from what residents pay now. With all the additional residents, the Clubhouse, gym and parking lot will need expanding. Also, who knows what will be built if this is turned down. He feels that it is best for the entire Regency Community to grant the Zoning Change.

Lynn Stecklow, 42 Riviera Drive, Regency – Stated she represents the residents below the hill and that Toll has created arguing among the Regency residents. If the zoning stays as is, there will be a possibility of 5 homes on 15 acres where homes would be located in the middle of the 3 acres away from the berm. She does not understand why the multi-family issue is part of this meeting. Another concern is a domino effect with other builders or Toll.

Moze Kovacs, 550 Spotswood-Englishtown Road - Engineer, living in this area for 40+ years and the impact all this building has made, especially traffic on Spotswood-Englishtown Rd being a major problem. Asked what benefit this will have on existing residents – higher taxes and more traffic. He asked if sewer & gas will be installed in the area and wonders what benefits lifelong residents will gain from this approval.

Walter Toto, Attorney on behalf of Toll Bros. – Introduced Mark Markovich from Toll Bros. who has been at the center of this matter and who gave the following update:

- Will drop the grade at the top of the hill 6 feet.
- Pushing the proposed houses an additional 15 feet away from the top of the hill.
- Offered several solutions for the landscape buffer.

He believes the resident concerns have been met. He is committed to again meeting with the residents who are concerned and to finalize what has been proposed and attempt to satisfy their concerns. They will then come back next month.

Council President Tamburro stated that the town is amenable to delaying a decision for another 30 days. Significant progress has been made, but there are still issues with homeowners that are impacted and concerns that have been made this evening.

Anthony D'Albero, 576 Buckelew Ave. – Stated his family has owned the property in question this evening for the past 60 years. He understands the concerns, but the property will be developed. His parents are in their mid-sixty's and retiring. The property is a lot to maintain.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the Ordinance was **TABLED** to the November 6, 2013 Regular Meeting of Council.

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

A 5-minute Recess was taken at 8:20 pm and Reconvened at 8:25 pm.

UPON MOTION made by Councilwoman Koppel and second by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES"**.

ORDINANCE as follows: (O-10-2013-018)

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 39 of the Code of the Township of Monroe entitled "Fees" is hereby amended as follows:

(added text in red)

SECTION 1.

- § 39-1. Title.**
- § 39-2. Purpose.**
- § 39-3. Fees enumerated.**

- § 39-1. Title**

This Chapter shall be known as the "Codification of Fees and Costs of the Township of Monroe;

§ 39-2. Purpose

This Chapter is adopted in order to advise the citizens of the township, and any and all persons doing business with the township, of the various fees charged for services rendered by the departments of township government and to provide ready access to any and all such information.

§ 39-3. Fees enumerated.

G. Chapter 78, Parking, Off-Street.

(1) Permit required; fee.

- (a) Fee for a 7-day, full-time "Monroe Township Parking Permit" for parking at the Park and Ride Facility located on Applegarth Road between Half Acre and Prospect Plains Roads shall be fifty dollars (\$50.) per year for residents only.
- (b) Fee for a 7-day, full-time "Monroe Township Parking Permit" issued after July 1 shall be twenty-five dollars (\$25.)
- (c) Fee for a weekends only "Monroe Township Parking Permit" valid 12:00 Midnight Friday through 12:00 Midnight Sunday, may be issued at no cost to residents only.
- (d) **Fee for a Wednesday-only "Monroe Township Parking Permit" at the Clearbrook Commons Park & Ride lot only, valid 12:00 Midnight Tuesday through 12:00 Midnight Wednesday, may be issued at no cost to residents only.**

SECTION 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 4. This Ordinance shall become effective January 1, 2014 after passage, adoption and publication according to law.

SO ORDAINED, as aforesaid.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilwoman Koppel and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".**

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

UPON MOTION made by Councilwoman Koppel and second by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading and final passage: **A LOAN ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2013 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$691,320, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ORDINANCE as follows: (O-10-2013-019)

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, Chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various governmental entities within the County of Middlesex, State of New Jersey (the "County"), including the County and the Authority (the "2013 Program"); and

WHEREAS, the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2013 Program and to finance various capital improvements and acquire and install certain capital equipment through the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Loan and Security Agreement (the "Loan Agreement"), to be entered into by and between the Authority and the Municipality, which Loan Agreement has been approved by the County and which is attached hereto as Exhibit A, providing for the financing of various capital improvements and the acquisition and installation of certain capital equipment through the Authority, which improvements and items of equipment are described in Exhibit B attached hereto and incorporated by this reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. (a) The various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached to this loan ordinance and by this reference made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the Municipality. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$720,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$720,000 appropriation, a loan from the Authority to the Municipality is hereby authorized in a not to exceed amount of \$720,000 pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto is \$720,000.

(e) The estimated cost of said general capital improvements or purposes is \$691,320, with a not to exceed amount of \$720,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

Section 2. Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality to be financed with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2013 (the "Bonds") to be issued by the Authority under a resolution to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 3. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the Municipality under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Loan Agreement pursuant to the County Guarantee, including County Guarantee Costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Loan Agreement and the County Guarantee ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized Municipal Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the Municipality in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the Municipality is hereby authorized to attest to such signature and affix the seal of the Municipality thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Loan Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and described in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the Municipality's various capital improvements and items of equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Loan Payments, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than fifteen (15) years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The various capital improvements and items of equipment described in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the various capital improvements and items of equipment described in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed fifteen (15) years.

(f) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Municipality and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Municipality as defined in the Local Bond Law is increased by the authorization of the loan provided for in this loan ordinance by \$720,000 and the said loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$144,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the various capital improvements and items of equipment described in Exhibit B attached hereto.

Section 5. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 6. The Mayor, Clerk, Chief Financial Officer of the Municipality or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and all related transactions contemplated by this ordinance.

Section 7. Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the Municipality as to its Loan Payment Obligation authorized herein shall cease to exist.

Section 8. The capital budget of the Municipality is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the Clerk of the Municipality and is available for public inspection.

Section 9. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 10. The Municipality reasonably expects to reimburse any expenditure toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the Municipality's official intent to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

Section 11. The Clerk of the Municipality is hereby authorized and directed to cause the publication of the text of this ordinance in full or in summary after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

Section 12. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

There was no Council or Public discussion of this Ordinance.

As Councilman Leibowitz and Councilwoman Koppel regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **A LOAN ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2013 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$691,320, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.
O-10-2013-019

UPON MOTION made by Councilman Leibowitz and second by Council Vice President Miller, an Ordinance of which the following is the title was moved on second reading and final passage: **AN ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ORDINANCE as follows: (O-10-2013-020)

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various municipalities located in the County of Middlesex in the State of New Jersey (the "2013 Program"); and

WHEREAS, the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2013 Program and to lease certain police and/or passenger vehicles from the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Lease and Agreement (the "Lease"), to be entered into by and between the Authority and the Municipality, which Lease has been approved by the County of Middlesex, State of New Jersey (the "County") and which is attached hereto as Exhibit A, providing for the acquisition and leasing of certain police and/or passenger vehicles from the Authority, which police and/or passenger vehicles are described in Exhibit B attached hereto and incorporated by reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Lease.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Pursuant to section 78 of the County Improvement Authorities Law, N.J.S.A. 40:48-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Lease, which Lease provides for the leasing of certain police and/or passenger vehicles acquired with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2013 (the "Bonds") to be issued by the Authority under a resolution of the Authority to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Lease, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 2. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Lease authorized by this ordinance, including without limitation, (i) all Basic Rent and Rent obligations of the Municipality under the Lease, including Authority Administrative Expenses and Additional Rent, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Lease pursuant to the County Guarantee, including County Guarantee Costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Lease and the County Guarantee ((i), (ii) and (iii) collectively, the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

The Mayor or other Authorized Municipal Representative (as defined in the Lease) is hereby authorized and directed to execute the Lease on behalf of the Municipality in the form as attached hereto in Exhibit A and the Clerk of the Municipality is hereby authorized and directed to attest to such signature and affix the seal of the Municipality thereto and the Lease is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Lease.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum Lease Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority shall not exceed the sum necessary to (a) acquire the Municipality's police and/or passenger vehicles described in Exhibit B attached hereto which will be subject to the Lease, (b) pay interest on the Authority's Bonds allocated to the Municipality and used to acquire the Municipality's police and/or passenger vehicles, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Rent, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Lease.

(2) The Bonds shall mature within five (5) years from the date of issue.

(3) The Lease Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Lease have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Lease with respect to some or all of the police and/or passenger vehicles leased thereunder.

(4) The police and/or passenger vehicles described in Exhibit B are hereby approved to be leased from the Authority in accordance with the terms of the Lease, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

Section 4. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Lease. The Mayor, Clerk, Chief Financial Officer or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Official Statement of the Authority and the preliminary form thereof to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 5. The Mayor, Clerk, Chief Financial Officer or Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Lease, the leasing of the police and/or passenger vehicles which is to be the subject of the Lease and all related transactions contemplated by this ordinance.

Section 6. Upon the payment of all amounts referenced in Section 3(3) herein, the full faith and credit pledge of the Municipality as to its Lease Payment Obligations authorized herein shall cease to exist.

Section 7. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 8. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

Councilman Leibowitz asked if this was an additional bookmobile or replacement and Administrator Hamilton responded that it is a replacement.

As Councilman Leibowitz and Council Vice President Miller regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **AN ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2013 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.**

ROLL CALL: Councilwoman Leslie Koppel Aye
Councilman Michael Leibowitz Aye
Council Vice-President Miller Aye
Council President Gerald W. Tamburro Aye

Copy of Ordinance Duly Filed.
O-10-2013-020

UPON MOTION made by Councilman Leibowitz and second by Councilwoman Koppel, an Ordinance of which the following is the title was moved on second reading and final passage: **ORDINANCE AUTHORIZING THE DEDICATION BY DEED TO THE COUNTY OF MIDDLESEX CERTAIN PORTIONS OF PARCELS OF LAND ADJACENT TO BUCKELEW AVENUE (COUNTY ROUTE 522) AND SPOTSWOOD-ENGLISHTOWN ROAD (COUNTY ROUTE 613) FOR THE PURPOSE OF EXPANDING THE ROADWAYS AND INTERSECTION.**

ORDINANCE as follows:

WHEREAS, Toll NJ II, L.P. ("Toll") a New Jersey limited partnership, is engaged in the development of residential housing within the Township of Monroe; and

WHEREAS, in light of the aforementioned development by Toll, the Township recognized that it is in the public interest that improvements be made at the intersection of Buckelew Ave (County Route 522) and Spotswood-Englishtown Road (County Route 613), including road widening and installation of a traffic control signal; and

WHEREAS, the Township entered into an Intersections Improvement Agreement concerning the roadway widening project (the "Project") with the County of Middlesex and Toll on March 6, 2008, as authorized by Resolution No. R-9-2007-242; and

WHEREAS, Ordinance No. O-2-2011-003 provided for the acquisition of portions of, and easements on, certain parcels of land for the purpose of improvements at the Buckelew Avenue / Spotswood-Englishtown Intersection; and

WHEREAS, as part of the Project, the Township acquired portions of the following parcels of land (collectively the "Property") located within the Township:

<u>BLOCK NO.</u>	<u>LOT NO.</u>	<u>PROPERTY ADDRESS</u>	<u>PROPERTY OWNER</u>
32	15.01	595 Buckelew Ave	Betty Love and Robert Love
32	16	599 Buckelew Ave	Countryview Rest Center, Inc.
32	17	605 Buckelew Ave	Robert Ponder, et al.
34	3	619 Buckelew Ave	Dennis Maresco
35	11.01	602 Buckelew Ave	Joseph and Catherine Gallagher
36	1.03	624 Buckelew Ave	Haresh Archibald
36	1.06	614 Buckelew Ave	David and Marie Perry
36	1.08	610 Buckelew Ave	Jorge and Carmen Lopez
36	2	721 Spotswood-Englishtown Rd	Domenico Rotella
36	3	693 Spotswood-Englishtown Rd	Cardell Enterprises, Corp.

All as shown on the Official Tax Maps of the Township of Monroe; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

Section 1. To the extent that any of the Property acquired by the Township by purchase or condemnation abuts a County road and the County of Middlesex requires the dedication of such Property, the Mayor, Township Clerk and Township attorney are hereby authorized and directed to execute all such documents as are reasonably necessary to dedicate any portions of the following described lands to the County of Middlesex:

- (a) That portions of Block 32, Lot 15.01 on the Tax Map of Monroe Township, more particularly described on Exhibit "A";
- (b) That portions of Block 32, Lot 16 on the Tax Map of Monroe Township abutting County Road 522, more particularly described on Exhibit "K";
- (c) That portions of Block 32, Lot 17 on the Tax Map of Monroe Township abutting County Road 522, more particularly described on Exhibit "L";
- (d) That portions of Block 34, Lot 3 on the Tax Map of Monroe Township, more particularly described on Exhibit "D";
- (e) That portions of Block 35, Lot 11.01 on the Tax Map of Monroe Township, more particularly described on Exhibit "E";
- (f) That portions of Block 36, Lot 1.03 on the Tax Map of Monroe Township, more particularly described on Exhibit "F";
- (g) That portions of Block 36, Lot 1.06 on the Tax Map of Monroe Township, more particularly described on Exhibit "G";
- (h) That portions of Block 36, Lot 1.08 on the Tax Map of Monroe Township, more particularly described on Exhibit "H";
- (i) That portions of Block 36, Lot 2 on the Tax Map of Monroe Township, more particularly described on Exhibit "I";
- (j) That portions of Block 36, Lot 3 on the Tax Map of Monroe Township, more particularly described on Exhibit "J";
- (k) All improvements erected on, over and beneath aforesaid lands; and
- (l) All easements, rights-of-way or use, privileges, licenses, hereditaments, appurtenances, interests and other rights belonging to or inuring to the benefit of the lands and all right, title and interest of the owners in and to any land lying in the bed of any highway, street, road or avenue, opened or proposed, in front or abutting or adjoining aforesaid lands.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subdivision, sentence, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. This Ordinance shall take effect upon final passage and publication as provided by law.

Council President Tamburro opened the Public Hearing to Council and Public discussion of this Ordinance.

Councilman Leibowitz questioned if this is for Traffic Lights and Council President Tamburro explained that it is for the acquisition of lands necessary for the traffic light.

As Councilman Leibowitz and Councilwoman Koppel regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AUTHORIZING THE DEDICATION BY DEED TO THE COUNTY OF MIDDLESEX CERTAIN PORTIONS OF PARCELS OF LAND ADJACENT TO BUCKLEW AVENUE (COUNTY ROUTE 522) AND SPOTSWOOD-ENGLISHTOWN ROAD (COUNTY ROUTE 613) FOR THE PURPOSE OF EXPANDING THE ROADWAYS AND INTERSECTION.**

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.
O-10-2013-021

UPON MOTION made by Councilman Leibowitz and seconded by Council Vice-President Miller, and Ordinance was introduced on first reading for final passage: **ORDINANCE PROVIDING FOR THE ACQUISITION OF PORTIONS OF, AND EASEMENTS ON, CERTAIN PARCELS OF LAND IDENTIFIED AS LOT 14.5 IN BLOCK 18, LOT 14.7 IN BLOCK 18 AND LOT 28 IN BLOCK 27.6 ON THE TAX MAP OF MONROE TOWNSHIP.**

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilwoman Koppel and second by Councilman Leibowitz, the following Resolutions were moved for adoption under the **CONSENT AGENDA**, as hereinbelow set forth:

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Miller	Aye
	Council President Gerald W. Tamburro	Aye

RESOLUTIONS adopted under **CONSENT AGENDA** are as follows:

- R-10-2013-226** **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ESTABLISHING MAINTENANCE GUARANTEE WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR LUCILLE DIPASQUALE, W&S 1097 AVE "J".**
- R-10-2013-227** **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE, PHASE 8A.**
- R-10-2013-228** **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE, PHASE 8B.**
- R-10-2013-229** **RESOLUTION REFUNDING TAX OVERPAYMENTS.**
- R-10-2013-230** **RESOLUTION AMENDING RESOLUTION NO. R-11-2012-311 AUTHORIZING THE PURCHASE OF UPGRADED RADIO EQUIPMENT FOR THE MONROE TOWNSHIP EMS UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM.**
- R-10-2013-231** **RESOLUTION AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR / QPA TO PREPARE AND ADVERTISE REQUESTS FOR QUALIFICATIONS ("RFQ's") FOR VARIOUS PROFESSIONAL SERVICES FOR CALENDAR YEAR 2014.**
- R-10-2013-232** **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MASER CONSULTING, P.A. FOR CONSTRUCTION ENGINEERING AND OBSERVATION SERVICES RELATING TO THE ROUTE 33 DECELERATION LANE PROJECT.**

- R-10-2013-233** RESOLUTION AUTHORIZING THE PURCHASING MANAGER FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT TO PREPARE AND ADVERTISE REQUESTS FOR QUALIFICATIONS (“RFQ’s”) FOR VARIOUS PROFESSIONAL SERVICES FOR CALENDAR YEAR 2014 FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-10-2013-234** RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES.
- R-10-2013-235** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEE FOR REGENCY @ MONROE, PHASE 7 (PB-1061-08) MOUNT MILLS ROAD CURVE REALIGNMENT.
- R-10-2013-236** RESOLUTION AUTHORIZING THE ENTERING INTO AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING (“MOU”) BY AND BETWEEN THE STATE OF NEW JERSEY, OFFICE OF EMERGENCY MANAGEMENT (“NJOEM”) AND TOWNSHIP OF MONROE RELATING TO THE FILING OF APPLICATIONS FOR GRANTS UNDER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC ASSISTANCE AND/OR HAZARD MITIGATION PROGRAMS FOR PRESIDENTIALLY DECLARED MAJOR DISASTERS.
- R-10-2013-237** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SETTLEMENT AGREEMENT IN CONNECTION WITH THE EXPANSION AND RENOVATION OF THE MONROE TOWNSHIP COMMUNITY CENTER.
- R-10-2013-238** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING A MAINTENANCE GUARANTEE FOR MYRNA NASHED (ALPHA OMEGA PRACTICE, LLC) BA-5039-11.
- R-10-2013-239** RESOLUTION AUTHORIZING THE PURCHASE OF TWO MOTOR VEHICLES USING THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-10-2013-240** RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) (Drive Sober or Get Pulled Over – 2013 Year End Crackdown)
- R-10-2013-241** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO O’BRIEN & GERE FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO PUMP STATION NO. 3 IMPROVEMENTS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT.

Mayor’s Report – Mayor Pucci spoke on the loss of Freeholder Stephen “Pete” Dalina and his many years of dedicated service.

He complimented Council Vice-President Miller, Chairman of the Historic Commission, for a great weekend at the Dey Farm.

He also complimented John Riggs, Chairman of the Environmental Commission & Director of Planning, on the success of the “Green Fair”, also held this past weekend.

Administrator’s Report – Administrator Hamilton spoke on the “Best Practices Questionnaire” in which we scored 90 out of 100 points.

Engineer's Report – No Report.

Council Reports:

Councilman Leibowitz – Reminded everyone that “Cousins Under Cover” will be aired Oct. 20th. He also mentioned spending two hours bagging groceries at Shop Rite this past month for Shop Rite’s “Stop Hunger” campaign. He further mentioned the “Green Fair” and how interesting he found it.

Councilwoman Koppel – Mentioned that the Senior Center will be hosting “Thanksgiving Dinner”. Administrator Hamilton added that those wishing to volunteer can reach out to the Senior Center Director Bonnie Leibowitz who is coordinating the activities.

She also felt that the “Green Fair” was a multi-generational event.

Council Vice-President Miller – No Report.

Council President Tamburro – Spoke about the many activities he participated in this weekend at the Green Fair, the Dey Farms 175th Anniversary Celebration and the 5K Walk at Rossmoor to raise money for the American Cancer Society.

Note: Telephone communication by speaker phone with Council Vice-President Miller ended.

PUBLIC:

Mark Klein, 53 Turnberry Drive, Regency – Spoke on the passing of Freeholder Dalina.

He was also sorry to hear that Council Vice-President Miller is not feeling well.

Mr. Klein thanked the Mayor and Councilwoman Koppel for turning down the “Market Place” project on Route 33 due to the small amount of commercial space. He feels the matter will go to Court and be overturned. He questioned why residents cannot speak when the matter is heard before the Court.

He next requested that the Planning Board recall the application back for further discussion that received preliminary approval on Spotswood-Englishtown and Mount Mills Roads for this same reason.

George Gunkelman, 5 Kelly Court – commented on environmental matters that were previously discussed. He asked about monies we previously received for recycling that is now placed in the general fund and its’ impact on recycling.

Administrator Hamilton explained how recycling is handled and how Grant funds received for recycling are used to offset some of the salaries of the people assigned to perform recycling activities along with vehicles and equipment. He does not have the figures at hand but will have them for the next meeting.

Mr. Gunkelman also asked the status of COAH monies. Council President Tamburro responded that we still have the money in an Irrevocable Trust and the Supreme Court has ruled that COAH must reconfigure what it is obligating the towns to do. They must come up with a workable plan within the next 5 months. We have responded as to the commitments that we have made for the use of that money.

Robert Zeglarski, 162 Tournament Drive, Regency – Spoke on his idea for property tax relief by using a portion of the sewer connection fees paid by developers to help pay school debt or the initial cost of classroom space. He also mentions Utility monies previously used to help fund the municipal operation.

He proposes that the Board of Education be allowed to share, with Mayor & Council, the surplus accumulated by these fees for two very specific purposes:

1. Funding capital projects necessary to accommodate new students resulting from new housing developments.
2. Hang a portion of the school district property tax associated with debt service.

Administrator Hamilton responded that the reason utility surplus is used as revenue is due to the extraordinary amount of tax appeals which resulted in refunds and credits to those successful in filing tax appeals. In that four year period, the result was 60 million dollars in refunds and credits. The law does not allow for the Board of Education to participate in that process. In looking at that figure, the township had to absorb 9.5 to 10 million dollars of the Boards' spending, due to the reduction of ratables as a result of tax appeals. We have made strong commitments to Wall Street that we are going to continue to wean ourselves off utilizing the surplus as the economy and housing markets improve. We are not there yet.

Robert Roche, 18 Muirfield Blvd., Fairways at Forsgate – Had a follow-up response to the recommendation of Mr. Zeglarski to share in the connection fees and Administrator Hamilton's recommendation of not sharing connection fees with the Board of Ed. He feels that what has transpired in the last four years is done. He asked that, with new construction coming into the Township, is there any legal prohibition against that being shared with the School Board and Administrator Hamilton stated that he knows of no statutory provision to allow this.

Council President Tamburro added that the money was used to reduce taxes for the taxpayers through the Municipal Budget.

Mr. Roche next commented on Monroe's Recycling Center not being user-friendly. East Brunswick has a very nice Recycling Center staffed with workers that are very accommodating to the needs of the public. Council President Tamburro agreed and stated it will be looked into.

Lastly he asked about the re-configuring of the Applegarth-Forsgate Drive turn lanes. Engineer Rasimowicz responded that it will be ready shortly to go out for bid. It is at the County now for final approval. We are working on a tri-party agreement with the County. There will be dedicated left & right turn lanes on most of the 4-ways. It should be under construction sometime next year.

Charles Petretti, 43 Wingate Court, Concordia – Asked what streets are involved in the turn signal that was just mentioned and Council President Tamburro responded "Applegarth Rd & Forsgate Drive". He asked if Prospect Plains & Applegarth Rd. have been assessed and Council President Tamburro responded that Prospect Plains & Applegarth Rd. is another issue with the problem being the "Monroe Oak".

He next inquired if the Township's Revaluation Program is on schedule and Administrator Hamilton responded that everything is on schedule. The new values will go out in November with an opportunity to meet with the re-valuation company.

Mr. Petretti asked in connection with the budget items going to M.C.I.A for funding, do we have other options besides the M.C.I.A. and Administrator Hamilton explained there are other options but they are more expensive. There are advantages to funding through the M.C.I.A. which are:

- No down payment
- Interest rates are lower because we take advantage of the M.C.I.A. Triple A bond rating
- The cost of issuing Bonds or Notes is cheaper because they are spread out amongst the number of users

Administrator Hamilton further advised it is used for items having a useful life of 5 years or less.

Mr. Petretti next mentioned the promise of a "2 year, no increase" for utilities from the M.T.U.D. and are we carrying that forward. Council President Tamburro responded that there is nothing in the works right now.

Marianne Lester, 44 Avenue I – Asked the dollar amount or percentage of surplus used for tax relief. Administrator Hamilton responded that he does not have percentages with him this evening. Mr. Zeglarski mentioned \$40 Million dollars, which is correct. He does not have the amount left and what was used with him this evening.

Steve Gorbe, 113 Gravel Hill-Spotswood Rd. – Asked the amount of money paid for the Fire Consolidation Study and Administrator Hamilton advised that figure is not readily available this evening but will have it for the next meeting.

He next asked if he was paid for any additional meetings and Administrator Hamilton responded that there was an amendment to the Agreement and will have the total for the next meeting.

Mr. Gorbe asked the status regarding the "Township-Wide Fire Chief" and Administrator Hamilton stated that the Committee established a recommendation calling for a shared service agreement between the three fire districts and the Township. One of the components of that Agreement is the establishment of a Township-Wide Fire Chief. Up until now the three fire districts have not been in a position to come to an agreement. Two districts are ready to move forward and one is reluctant to move forward. Obviously this has become a policy decision that the governing body must look at with the Mayor as we come to the close of the year. It has been a year and a half since the recommendation was made.

Mr. Gorbe felt that this should have been a priority.

He next asked what progress has been made to incorporate volunteers into Fire District 3 and Administrator Hamilton responded that they would have to be asked that question directly. Mr. Gorbe stated that he did and there has been no progress.

Mr. Hamilton responded that recommendations have been made and in turn brought to the Fire Districts to respond to the proposal. The ball is in their court to come back to us. Two out of the three districts have agreed to move forward, with one reluctant.

During the negotiations for the Mall on Route 522, he asked if there was ever an offer to build a fire house where District 3 is now located. Administrator Hamilton only recalled a discussion concerning land and stated that the building of a fire house where 23A is located was never brought forward.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, the meeting was Adjourned at 9:05pm.

ROLL CALL:	Councilwoman Leslie Koppel	Aye
	Councilman Michael Leibowitz	Aye
	Council President Gerald W. Tamburro	Aye

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on _____