

COUNCIL OF THE TOWNSHIP OF MONROE

MINUTES

REGULAR MEETING – MARCH 3, 2014

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 the Township Clerk, Sharon Doerfler, the following members of Council were present: Councilman Stephen Dalina, Councilman Michael Leibowitz, Councilwoman Elizabeth Schneider, Council Vice-President Leslie Koppel and Council President Gerald W. Tamburro.

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

There were approximately thirty (30) members of the Public present in the audience.

Council President Tamburro requested the Township 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 3, 2014 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 3, 2014;
3. Posted 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.

UPON MOTION made by Councilman Leibowitz and seconded by **Councilwoman Koppel**, the **CLAIMS** per run date of **02/24/2014** were approved for payment as presented.

ROLL CALL: Councilman Stephen Dalina	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Leslie Koppel	Aye
Council President Gerald W. Tamburro	Aye

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Dalina, the **MINUTES** of the **February 10, 2014 Regular Meeting** and **February 24, 2014 Agenda Meeting** were approved as written and presented.

ROLL CALL: Councilman Stephen Dalina	Aye
Councilman Michael Leibowitz	Aye
Councilwoman Elizabeth Schneider	Aye
Council Vice-President Leslie Koppel	Aye
Council President Gerald W. Tamburro	Abstained

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance was introduced on first reading for final passage: **ORDINANCE ACCEPTING A WATER MAIN EASEMENT FROM TOLL NJ II, LP ON A PORTION OF LOT 1 (NEW PROPOSED LOT 1.10) IN BLOCK 16.**

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Leslie Koppel	Aye
	Council President Gerald W. Tamburro	Aye

UPON MOTION made by Council Vice-President Koppel and seconded by Councilman Dalina, an Ordinance was introduced on first reading for final passage: **ORDINANCE FURTHER AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT"**. (If adopted, will delete Extended Intermediate & Long Term Care facilities as Conditional Uses from the R20, R30 & RRFLP zones & eliminate Hospitals as Conditional Uses in the RRFLP zones)

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Leslie Koppel	Aye
	Council President Gerald W. Tamburro	Aye

Council President Tamburro announced that Item #9.bb. on the Agenda "**RESOLUTION AUTHORIZING FORECLOSURES UNDER THE IN REM TAX FORECLOSURE ACT OF 1948 AND ESTABLISHING A TAX FORECLOSURE LIST OF LIENS TO BE FORECLOSED**" is being withdrawn. Further review needs to be done on this Resolution prior to Consideration by Council.

UPON MOTION made by Council Vice-President Koppel and seconded by Councilman Dalina, the following Resolutions were moved for adoption under the **CONSENT AGENDA**, as hereinbelow set forth:

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Leslie Koppel	Aye
	Council President Gerald W. Tamburro	Aye

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

- | | |
|---------------------|---|
| R-3-2014-056 | RESOLUTION REFERRING LAND USE CODE AMENDMENT TO THE PLANNING BOARD. |
| R-3-2014-057 | RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ANNUAL MAINTENANCE AGREEMENT FOR YEAR 2014 WITH MOTOROLA SOLUTIONS, INC., AN AUTHORIZED VENDOR UNDER THE STATE COOPERATIVE PURCHASING PROGRAM. (Police Radios) |
| R-3-2014-058 | RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR HVAC MAINTENANCE AND REPAIR. |
| R-3-2014-059 | RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR DISPOSABLE CUSTODIAL PRODUCTS. |
| R-3-2014-060 | RESOLUTION AUTHORIZING AND APPROVING A PERSON-TO-PERSON TRANSFER OF LIQUOR LICENSE ISSUED TO TAYLOR RAE TAVERN, LLC D/B/A DOCK'S CORNER TAVERN. |

- R-3-2014-061** RESOLUTION AUTHORIZING AND APPROVING A PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) OF LIQUOR LICENSE ISSUED TO FORSGATE HOSPITALITY, LLC D/B/A FORSGATE COUNTRY CLUB.
- R-3-2014-062** RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. FOR REPRESENTATION OF THE TOWNSHIP IN A MATTER OF EXTRAORDINARY LITIGATION RELATED TO THE TOLL BROS. INTERSECTION CONDEMNATION.
- R-3-2014-063** RESOLUTION AUTHORIZING BUDGET APPROPRIATIONS RESERVE TRANSFERS.
- R-3-2014-064** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR THE FRANCIS E. PARKER MEMORIAL HOME, INC.
- R-3-2014-065** RESOLUTION AUTHORIZING THE PURCHASE OF MOTOROLA RADIO COMMUNICATIONS EQUIPMENT UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-3-2014-066** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AMENDMENT TO THE DEVELOPER’S AGREEMENT BY AND BETWEEN BLOCK 17 ASSOCIATES, LLC, THE GABLES AT APPLGARTH VILLAGE, LLC, THE GARDENS AT MONROE HEALTHCARE AND REHABILITATION CENTER, LLC, THE VERDE GROUP, LLC AND THE TOWNSHIP OF MONROE FOR IMPROVEMENTS TO THE MONROE TOWNSHIP UTILITY DEPARTMENT’S PUMP STATION 2.
- R-3-2014-067** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) UPON THE POSTING OF A MAINTENANCE GUARANTEE FOR W&S 1101 GARIBALDI AVENUE – (BLK. 109.02 LOTS 1.01, 3-4-5)
- R-3-2014-068** RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.
- R-3-2014-069** RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-3-2014-070** RESOLUTION AUTHORIZING THE EXECUTION OF A 2014 FUNDING AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND TOWNSHIP OF MONROE FOR SENIOR CITIZEN AND DISABLED RESIDENT TRANSPORTATION ASSISTANCE PROGRAM. (NJ Transit Grant Funds in the amt. of \$13,000)
- R-3-2014-071** RESOLUTION APPROVING THE EXTENSION OF THE INTRODUCTION AND APPROVAL OF THE MONROE TOWNSHIP 2014 ANNUAL BUDGET TO APRIL 7, 2014.
- R-3-2014-072** RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 09-23, PUBLIC ROAD.
- R-3-2014-073** RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 427 – “PATCH PAVING AND CONCRETE REPAIR” FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-3-2014-074** RESOLUTION AUTHORIZING PURCHASE OF A VEHICLE UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR THE DEPARTMENT OF PUBLIC WORKS. (1-2013 Ford F250 4WD Pickup w/plow option)

- R-3-2014-075** RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT EXECUTED BY FEIST ENGINEERING, INC. FOR IMPROVEMENTS TO THE DEY FARM HISTORIC SITE, PHASE 1.
- R-3-2014-076** RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO BETTINA DURMASKIN SHOLK REAL ESTATE APPRAISAL FOR BLOCK 22, LOTS 1 AND 3. (50 ± Acre farm parcel on Federal Rd)
- R-3-2014-077** RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO TIMOTHY HOFFMAN REAL ESTATE APPRAISERS, INC. FOR BLOCK 32, LOTS 10, 11.01, 19.02 AND 20. (Blk 32, Lots 10 & 11.01 – 101± Acre Parcel on Hoffman Rd & Lots 19.02 & 20 - 6± Acres on Federal Rd)
- R-3-2014-078** RESOLUTION ENDORSING THE 2014 PROJECT PROPOSALS AS RECOMMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE.
- R-3-2014-079** RESOLUTION AUTHORIZING FEIST ENGINEERING TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR ROAD IMPROVEMENTS-MILLING.
- R-3-2014-080** RESOLUTION APPROVING AN APPLICATION FOR A GRANT UNDER THE NEW JERSEY FUTURE NON-CONTIGUOUS CLUSTER PLANNING GRANT PROGRAM. (\$5,000 Grant)
- R-3-2014-081** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ANNUAL MAINTENANCE AGREEMENT FOR YEAR 2014 WITH JOHNSTON COMMUNICATIONS, AN AUTHORIZED VENDOR UNDER THE STATE COOPERATIVE PURCHASING PROGRAM. (9-1-1 Radio System)
- R-3-2014-082** RESOLUTION AUTHORIZING EMERGENCY 2014 TEMPORARY BUDGET AMENDMENT.
- R-3-2014-083** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, THE TOWNSHIP OF MONROE AND THE ROSSMOOR COMMUNITY ASSOCIATION, INC. WITH REGARDS TO DECREASING FLOODING CONDITIONS ON APPEGARTH ROAD (C.R. 619), PROSPECT PLAINS ROAD (C.R. 614), NANTUCKET LANE AND NAUTILUS LANE IN THE TOWNSHIP OF MONROE, MIDDLESEX COUNTY, NEW JERSEY.

Council President Tamburro announced that Item #10 on the Agenda “RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, THE TOWNSHIP OF MONROE AND THE ROSSMOOR COMMUNITY ASSOCIATION, INC. WITH REGARDS TO DECREASING FLOODING CONDITIONS ON APPEGARTH ROAD (C.R. 619), PROSPECT PLAINS ROAD (C.R. 614), NANTUCKET LANE AND NAUTILUS LANE IN THE TOWNSHIP OF MONROE, MIDDLESEX COUNTY, NEW JERSEY” is being removed from the Consent Agenda and will be voted on separately.

Being a resident of Rossmoor, Councilwoman Schneider recused herself and left the room prior to a discussion and vote being taken.

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Dalina, the following Resolution was moved for adoption: **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX, THE TOWNSHIP OF MONROE AND THE ROSSMOOR COMMUNITY ASSOCIATION, INC. WITH REGARDS TO DECREASING FLOODING CONDITIONS ON APPLGARTH ROAD (C.R. 619), PROSPECT PLAINS ROAD (C.R. 614), NANTUCKET LANE AND NAUTILUS LANE IN THE TOWNSHIP OF MONROE, MIDDLESEX COUNTY, NEW JERSEY.**

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

Councilwoman Schneider re-entered the meeting.

Mayor Pucci reflected on the recent passing of former Councilman Nalitt who served with him for 24 years.

Councilman Tamburro commented that he was happy Irwin was able to see, before he passed, the main auditorium of the new Senior Center which was named in his honor. He was a real good friend who will be sadly missed.

Councilman Leibowitz – commented on how generous Irwin was when Mr. Leibowitz returned to the Council.

Councilman Dalina – also reflected on former Councilman Nalitt.

Councilwoman Schneider – commented that he was a “rare gem”.

Councilwoman Koppel – commented on running for Council with Irwin.

Business Administrator Hamilton – spoke of his special relationship with former Councilman Nalitt.

Administrator’s Report

Administrator Hamilton commented on the snow & ice removal expenses that have been extraordinary this year. Over \$200,000 has been spent, which relates to both the purchase of ice removal materials as well as the overtime involved. The good thing is, we do have a snow reserve and most of those expenses are being covered in the existing snow reserve.

He further explained there is a Resolution on the Agenda this evening taking some balances from last years unused funds and putting them into insurance and snow reserves. This is good when hit with a year like this past winter.

He reminded everyone that Budget Work Shops will begin next Wednesday in the Council Chambers at 6pm and Thursday, in the lower level at 6pm. Budgets are being finalized and books will be going out Friday.

Engineers Report – Engineer Rasimowicz had no report

Council Reports

Councilman Leibowitz – No Report

Councilman Dalina thanked everyone involved in the Feb. 23rd Pasta Dinner/Fund Raiser @ the Senior Center for Mikey Nichols. Over 300 people attended the two (2) seatings.

He also participated in “Read Across America” at Applegarth School this past Friday, Dr. Seuss’ Birthday.

Baseball/Softball/Lacrosse/Soccer are having open registration.

Councilwoman Schneider also read at Applegarth School for the 4th & 5th Graders.

Councilwoman Koppel will be reading Dr. Seuss along with her daughter, who is in High School, and will be visiting with her daughter's former 3rd & 4th grade teachers.

She also thanked the Department of Public Works for all their hard work during the many snow storms this winter.

She also recognized two boys in the audience this evening from Boy Scout Troop #35.

Council President Tamburro read Dr. Seuss at the Learning Academy for special needs kids. He finds it to be very rewarding every year that he participates in this program.

He mentioned the start of Daylight Savings Time this Saturday in which we will turn our clocks ahead.

He next mentioned a fund raiser held by the Lacrosse Team for Mickey Nicholas where 500 people were in attendance.

Council President Tamburro advised 3rd Party Electric Suppliers have been in the news lately regarding raising their rates based on their costs for electricity. Our new Energy Aggregation rate is guaranteed for 22 months at approx. 8 ½ cents. Residents with 3rd Party suppliers still have the opportunity to enter the program with Con Ed Solutions.

Public:

Steve Gorbe, 113 Gravel Hill-Spotswood Rd – spoke regarding the Fire Consolidation Study & no action having been taken. Fire District #1 is in the process of building a new fire house and purchasing a new fire truck. Fire District #2 had previously built a new fire house and Fire District #3 is proposing to spend \$170,000 for repairs to the fire house on Schoolhouse Rd. He feels that keeping the present system is a waste of taxpayer's money. He proceeded to give the breakdown of costs for the three fire districts. He stressed the money that could be saved with a consolidation. He feels the responsibility of the fire districts should rely within the town not the districts.

Council President Tamburro stated that the thought was to wait until after the fire elections and then meet with the current leadership in each of the fire districts.

Administrator Hamilton added that the committee that was established by the Mayor only had recommendation authority. A series of recommendations was compiled and turned over to the Mayor and Council. The feedback from the Fire Commissioners was that they were going to meet and implement the recommendations. That has not happened. It is now time to meet with them and find out their intentions. If their intentions are not sincere, the Mayor and Council need to look into other options.

Hy Grossman, 15 Doral Dr. – stated that it is the Council's responsibility to save the taxpayers money. There needs to be a hard look taken at this situation. It has been talked about for five years.

He then complimented the Council Vice-President for the manner in which she handled the February 10th meeting.

In watching the Board of Education meeting, he heard it mentioned that they need the certification on the assessment roll soon from the Tax Assessor.

Administrator Hamilton stated that he hopes to have the number tomorrow. The Tax Assessor must certify it to the County by March 15th. He added that it is also needed to prepare the township's budget.

Mr. Grossman asked the status of the traffic light in front of Regency on Route 522 & 613. Administrator Hamilton explained there is one last "bankruptcy piece" delaying the proceedings. He hopes to have that issue resolved by April 15th so construction can begin.

Audrey Cornish, Schoolhouse Rd. – commented about Irwin Nalitt.

Mrs. Cornish questions Item# 8 – Amending Chapter 108 of the code of the Township of Monroe.

Council President Tamburro explained that it takes the Conditional Use of Extended Intermediate & Long Term Care Facilities out of the R20 & R30 Zones.

She stated she attended a Zoning Board Meeting and believes it means there won't be an expansion of the present nursing home. It is her understanding that they are trying to buy the property adjacent to hers to expand the nursing home. She proceeded to state that they have not been good neighbors and would urge the Council to try to deter any idea of an expansion.

Council President Tamburro stated that the Amendment to the Ordinance will protect that land and they would have to go for a Variance to expand, which would make it more difficult.

Harold Kane, 40B Newport Way, Rossmoor – Questioned Item #10 regarding the Rossmoor Flooding issue. He stated he spoke with Administrator Hamilton who had informed him that the town was going to provide tech support to Rossmoor in preparation of a bid document. He feels there is a miscommunication with Rossmoor, who feels the Township is going to prepare the bid documents, go through the bidding process and then project manage the entire process.

Administrator Hamilton explained the purpose of the Agreement between Middlesex County, Rossmoor and the Township is to lay out the responsibility of all involved. Rossmoor's responsibility is to prepare the engineering design, develop the plans, which will include a cost estimate. The Township takes it over to bid it. The Township will be the bidding agency who will prepare the documents and assume the contract administration. The County's role is to provide up to \$400,000 to construct the improvements.

Virginia McGinnis, 326A Nantucket Way, Rossmoor – Thanked the Council for the agreement and asked when the work will begin.

Council President Tamburro stated that the documents will be signed after the next meeting.

Administrator Hamilton added that then Mr. Rush, Engineer for Rossmoor, will begin the development of the plans.

Engineer Rasimowicz stated that he does not know how far long Mr. Rush is with the plans or even if Rossmoor has signed the contract.

Ms. McGinnis then stated that at Friday's meeting it was indicated that the plan is to refurbish Rossmoor's pumping station, which pumps down Cedar Brook Pond and to reroute the pumping from the golf course to the creek. She further expressed her concerns with this plan.

Council President Tamburro added that we must wait for the engineer's designs, but the ultimate goal is to remediate the problem.

She next addressed a question to Administrator Hamilton from the Jan. 27th meeting.

Pam Sandifer, Schoolhouse Rd. – Questioned Item #9.i. - Reduction of Performance Guarantees for Francis Parker Memorial Home Inc.

Engineer Rasimowicz explained that it is reducing the bond from \$2.9 million dollars to approximately \$1.2 Million dollars. This is for work that has been completed on the site. State Statute does allow for bond reductions for work completed.

Robert Zeglarski, 162 Tournament Dr. – stated that on many occasions the Council acts on Bond Ordinances to fund various Capital Projects and Equipment. For each Ordinance the Council uses temporary financing known as Bond Anticipation Notes. Once these Notes accumulate the Council bundles these into a Bond issue. He asked if Council expects to include in the Debt Service Budget for 2014 principal and interest for a bond issue and if so what amount.

Administrator Hamilton responded that almost every bit of general capital improvement financing has now gone to permanent bonds. The only thing remaining is a group of utility financing that's still operating on bond anticipation notes. We are looking at this summer to evaluate whether to go to permanent sale or not.

He then asked if in the "CAP" calculation for 2014 if we are going to see an expansion of the "CAP" for bond indebtedness for the principal.

Administrator Hamilton stated that he did not have that number with him this evening.

Next, he stated that in 2010 the State passed a law mandating public employee's pay a portion of their health benefits over a four year period which will amount to 35% of their individual premium. Mr. Zeglarski asked if most employees are at or near the 35% level and Administrator Hamilton stated that all the non-union employees are moving into year 4 July 1st. The Union employees are still under contract. That contract expires the end of this year and then they will be paying.

Mayor Pucci clarified that the 35% is a maximum salary and it is a sliding scale.

Mr. Zeglarski recognized the Township employees who have involvement with snow clearing operations.

Michele Arminio, 9 Nathaniel St. – asked that with all the new development, how are our water resources and do we have to buy water.

Council President Tamburro responded that we are looking to "not buy water".

Michael Barnes, Director of the MTUD, responded that last year we bought 1.2 million gallons when our wells were out of service. Designs are ready for another well that is 1.7 million gallons. Right now our capacity is around 11 million gallons and will be up around 14 million gallons around May of next year.

She then asked the number of Affordable Housing Units that have been approved and asked where that leaves us with our obligation.

Council President Tamburro explained that the Governor asked for an extension on the mandate that the Court put on Affordable Housing and we are not sure where we are. He stated he does not believe our obligation has been satisfied. There is just a small percentage of each development that has affordable housing. She asked for an account of what has been approved by the next meeting.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, the meeting was **ADJOURNED** at 8:10pm.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilman Michael Leibowitz	Aye
	Councilwoman Elizabeth Schneider	Aye
	Council Vice-President Leslie Koppel	Aye
	Council President Gerald W. Tamburro	Aye

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President