

COUNCIL OF THE TOWNSHIP OF MONROE

MINUTES

REGULAR MEETING - - JULY 7, 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 who asked everyone to stand and join him in 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 Koppel and Council President Gerald W. Tamburro.

Council Vice-President Koppel – left meeting at 8:55pm.

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

ABSENT from this meeting was Township Attorney Joel L. Shain.

There were approximately sixty (60) 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 Councilman Dalina, the **CLAIMS** per run date of **6/26/2014** 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	Abstained
Council President Gerald W. Tamburro	Aye

UPON MOTION made by Council Vice-President Koppel and seconded Councilman Leibowitz, the **Minutes** of the **June 4, 2014** Regular 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	Aye

UPON MOTION made by Councilman Leibowitz and seconded by Council Vice-President Koppel, an Ordinance of which the following is the title was moved on second read for final passage: **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT"**. (Re-zoning of Block 81, Lots 3, 4, 5.03, 7.01, 7.03 & 8 from R-30 Residential to PRC-2 Planned Retirement Community)

ORDINANCE as follows: (O-7-2014-009)

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 Lots 3, 4, 5.03, 7.01, 7.03, 7.04 and 8 in Block 81, as set forth on Page 79 of the Monroe Township Tax Map, from the R-30 Residential zone to PRC-2 Planned Retirement Community.

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 of this Ordinance.

Robert Zeglarsky, 162 Tournament Drive - questioned the former zoning.

Council President Tamburro explained that the property is being re-zoned from R-30 Residential Zone to that of a Planned Retirement Community.

Council President Tamburro read a letter into the record from Joseph & Madeline Zakrusky, 237 Dayton-Docks Corner Rd. in Monroe who were in attendance this evening and had requested that the Council President read the letter into the record.

Letter read as follows:

They have been residents of the above property for 65 years and are in favor of re-zoning for the purpose of the planned retirement community. However, they are very concerned with rainwater control as a result of this project. Presently storm waters from Possum Hollow Rd., Dayton Rd., Docks Corner Rd, and retention pond from Costco Inc. all drain into the lower portion of Blk. 81. There lot borders the newly rezoned area for 474 ft. along the western border. Currently most of this area lies within a flood zone and often floods. They have had their home flooded. They have installed 4 sump pumps, concrete and earth berms and other controllable measures including keeping the bordering ditch clear to allow the water to flow. You can see the concerns and at this time they can't take on any more water. They would appreciate help in the planning process to address these issues and prevent the problems from getting worse.

Signed – Mr. & Mrs. Zakrusky

Council President Tamburro stated that the issues referenced in the letter will be addressed by the Planning Board when an Application and Plans are brought in for that parcel of land and that the letter will be passed along to the Planning Board for consideration.

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

Copy of Ordinance Duly Filed.
O- 7-2014-009

UPON MOTION made by Council Vice-President Koppel and seconded by Councilman Dalina, an Ordinance of which the following is the title was moved on second read for final passage: **ORDINANCE AMENDING THE 2011-2014 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE.**

ORDINANCE as follows: (O-7-2014-010)

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the 2011 - 2014 Supervisory Personnel Salary and Wage Ordinance shall be amended as follows:

SECTION 1. The following annual salaries, wages and fees shall be paid as hereinafter specified and shall be paid to the following positions *retroactive to January 1, 2014.*

	2014	
<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Library Reference and Virtual Services Manager	\$65,000.00	\$80,000.00
OPRA Compliance Officer	-	\$10,000.00
Recreation Assistant Superintendent	\$73,000.00	\$85,000.00
Utility General Manager	\$84,000.00	\$99,000.00

BE IT FURTHER ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the 2011 - 2014 Supervisory Personnel Salary and Wage Ordinance shall be further amended to include the following:

Emergency Medical Technician Per-Diem (Hourly Rate) shall be paid the rate of time and one-half when working Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and July 4th, **Labor Day and Memorial Day.**

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 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.

There was no Council or Public discussion of this Ordinance.

As Council Vice-President Koppel and Councilman Dalina 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 THE 2011-2014 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE.**

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

Copy of Ordinance Duly Filed. (O-7-2014-010)

UPON MOTION made by Council Vice-President Koppel and seconded by Councilman Dalina, an Ordinance of which the following is the title was moved on second read for final passage: **BOND ORDINANCE PROVIDING FOR VARIOUS 2014 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$3,455,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF \$3,455,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.**

ORDINANCE as follows: (O-7-2014-011)

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Water and Sewer Utility of the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$2,344,500 from the Water and Sewer Utility of the Township, said sum being inclusive of all appropriations heretofore made therefor. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required as the Water and Sewer Utility is self-liquidating.

SECTION 2. For the financing of said improvements described in Section 3 hereof, negotiable bonds of the Water and Sewer Utility of the Township are hereby authorized to be issued in the aggregate principal amount of \$2,344,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,344,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Acquisition and installation of various water meters and other appurtenances at various locations throughout the Township, including all necessary equipment and apparatus thereof; and	\$1,000,000	\$1,000,000	\$0 Pursuant to N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, no down payment is required.	10.00 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(ii) Various improvements to Well 21, including but not limited to, resin replacement, including all necessary equipment and apparatus thereof; and	\$200,000	\$200,000	\$0 Pursuant to N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, no down payment is required.	40.00 years
(iii) Various sewer improvements, including but not limited to, the force main replacement for pump station number 7, refurbishment of pump station number 3, electronic modifications to sewer pumps at Ashmall pump station, the acquisition and replacement of sewer pump number 2 VFD at pump station number 2, the acquisition and replacement of flow meters at pump station numbers 9 and 10, the acquisition and installation of new I&I meters, the acquisition of replacement water and sewer utility trucks, the replacement of check valves, as applicable, for Forsgate pump station number 2 and sewer pump station number 3, the acquisition and replacement of Grit equipment, the rebuilding of Sewer Pump Motor number 2 and pump station number 1, the removal and service of the sewer pump at pump station number 8, the replacement of door at pump station number 1, the acquisition and installation of 12 manhole frames and lids, and the preparation of energy audit recommendations, and also including the acquisition and installation of various necessary equipment and apparatus thereof, for the Water and Sewer Utility of the Township.	\$1,144,500	\$1,144,500	\$0 Pursuant to N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, no down payment is required.	30.91 years
TOTALS	<u>\$2,344,500</u>	<u>\$2,344,500</u>	<u>\$0</u>	

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,344,500.

(c) The estimated cost of said improvements or purposes is \$2,344,500.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Water and Sewer Utility of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 22.77 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,344,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$203,000 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,344,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after final adoption, and approved by the Mayor, as provided by the Local Bond Law.

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

Hy Grossman, 15 Doral Dr. – asked and it was confirmed that these were new authorizations.

Administrator Hamilton added that the Bond Counsel, Wilentz, Goldman and Spitzer, prepared the Bond Ordinance for consideration tonight.

As Council Vice-President Koppel and Councilman Dalina regularly moved and seconded the adoption, an Ordinance of which the following is the title, was passed on Second Reading and Final Adoption: **BOND ORDINANCE PROVIDING FOR VARIOUS 2014 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$3,455,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF \$3,455,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.**

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

Copy of Ordinance Duly Filed. (O-7-2014-011)

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second read for final passage: **BOND ORDINANCE PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,332,400 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.**

ORDINANCE as follows: (O-7-2014-012)

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$2,450,000, said sum being inclusive of the sum of \$117,600 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"). The aggregate down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,450,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$2,332,400 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,332,400 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Acquisition of a collection of library books for general circulation and deposit in and for use by the Township free public library, a lawful public purpose; and	\$150,000	\$142,800	\$7,200	5 years
(ii) Various roadway and sidewalk improvements to various roads in the Township, including but not limited to, all such improvements including but not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks, driveway aprons, retaining walls and curb ramps, drainage work, site work, clearing, tree removal, roadway painting, landscaping and other aesthetic improvements; and	\$950,000	\$904,400	\$46,500	20 years
(iii) Various drainage improvements and refurbishing within the Township;	\$100,000	\$95,200	\$4,800	10 years
(iv) Land acquisitions relating to Federal Road and Perrineville Road;	\$400,000	\$380,800	\$19,200	40 years
(v) Various improvements to various Municipal Facilities;	\$250,000	\$238,000	\$12,000	10 years
(vi) Acquisition and installation of 9-1-1 System/Reverser 9-1-1 upgrades; and	\$300,000	\$285,600	\$14,400	7 years
(vii) Installation of soccer field lighting.	\$300,000	\$285,600	\$14,400	7 years
TOTALS	<u>\$2,450,000</u>	<u>\$2,332,400</u>	<u>\$117,600</u>	17.73 years

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,332,400.

(c) The aggregate estimated cost of said improvements or purposes is \$2,450,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the aggregate amount of the down payments available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 17.73 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,332,400 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$365,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

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

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$2,332,400. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Robert Zeglarski, 162 Tournament Dr. – had a question under Section 3 – asking if these were regular books or reference books.

Administrator Hamilton responded that it would be a combination of both.

Hy Grossman, 15 Doral Dr. – asked and it was confirmed that this Bond has a short life span.

Administrator Hamilton responded that they always do the useful average life at the time they go to sale.

As Councilman Dalina 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: **BOND ORDINANCE PROVIDING FOR VARIOUS 2014 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,332,400 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.**

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

Copy of Ordinance Duly Filed. (O-7-2014-012)

UPON MOTION made by Councilman Leibowitz and seconded by Council Vice-President Koppel, an Ordinance of which the following is the title was moved on second read for final passage: **BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-5-2002-017 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL ON MAY 6, 2002 ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS 2002 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,435,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,080,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF", AS AMENDED BY BOND ORDINANCE NUMBER O-5-2003-015 FINALLY ADOPTED ON MAY 5, 2003, BY BOND ORDINANCE NUMBER O-5-2004-022 FINALLY ADOPTED ON MAY 24, 2004, AND BOND ORDINANCE NUMBER O-7-2008-013 FINALLY ADOPTED ON JULY 7, 2008, TO INCREASE THE TOTAL APPROPRIATION THEREIN BY \$380,000 TO INCREASE THE AUTHORIZED SECTION 2:20 COSTS THEREIN BY \$75,000 AND TO APPROPRIATE \$380,000 IN MIDDLESEX COUNTY GRANT MONEYS TO FINANCE THE INCREASED APPROPRIATION THEREIN.**

ORDINANCE as follows: (O-7-2014-013)

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL 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. The bond ordinance of the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township"), heretofore finally adopted by the Township Council on May 6, 2002, number O-5-2003-017, entitled: "BOND ORDINANCE PROVIDING FOR VARIOUS 2002 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,435,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,080,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF" (the "Original Ordinance"), as amended by bond ordinance number O-5-2003-015 finally adopted by the Township Council on May 5, 2003, by bond ordinance number O-5-2004-022 finally adopted by the Township Council on May 24, 2004 and by bond ordinance number O-7-2008-013 finally adopted by the Township Council on July 7, 2008 (collectively, the "Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. The total appropriation in the Ordinance is increased by \$380,000, from \$2,574,222.81 to \$2,954,222.81. Such increase relates to the improvements set forth in Section 3(b) of the Original Ordinance, with the appropriation relating to such Section 3(b) improvements increased by \$380,000, from \$714,222.81 to \$1,094,222.81.

SECTION 3. The authorized Section 2:20 costs in the Ordinance are increased by \$75,000.

SECTION 4. In order to finance the additional \$380,000 appropriation set forth in Section 2, there is appropriated a \$380,000 grant from the County of Middlesex, New Jersey.

SECTION 5. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a 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 (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. Except as expressly amended hereby, the Ordinance shall remain in full force and effect.

SECTION 7. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Hy Grossman, 15 Doral Drive – asked if this was is new money and Administrator Hamilton responded that the bonds were sold on these and this is an amendment incorporating a \$380,000 contribution from the County for the project commencing at Forsgate Dr./ Applegarth Rd intersection improvements.

As Councilman Leibowitz and Council Vice-President Koppel regularly moved and seconded the adoption, an Ordinance of which the following is the title, was passed on Second Reading and Final Adoption: **BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-5-2002-017 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL ON MAY 6, 2002 ENTITLED, "BOND ORDINANCE PROVIDING FOR VARIOUS 2002 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,435,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,080,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF", AS AMENDED BY BOND ORDINANCE NUMBER O-5-2003-015 FINALLY ADOPTED ON MAY 5, 2003, BY BOND ORDINANCE NUMBER O-5-2004-022 FINALLY ADOPTED ON MAY 24, 2004, AND BOND ORDINANCE NUMBER O-7-2008-013 FINALLY ADOPTED ON JULY 7, 2008, TO INCREASE THE TOTAL APPROPRIATION THEREIN BY \$380,000 TO INCREASE THE AUTHORIZED SECTION 2:20 COSTS THEREIN BY \$75,000 AND TO APPROPRIATE \$380,000 IN MIDDLESEX COUNTY GRANT MONEYS TO FINANCE THE INCREASED APPROPRIATION THEREIN.**

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 Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage: **BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-8-2000-026 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON AUGUST 28, 2000 (WHICH PROVIDES FOR VARIOUS 2000 CAPITAL IMPROVEMENTS), AS AMENDED AND SUPPLEMENTED, TO AMEND THE DESCRIPTION SET FORTH THEREIN TO INCLUDE NEW OPEN SPACE PROPERTY ACQUISITIONS, TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM \$7,350,000 TO \$12,850,000, TO INCREASE THE TOTAL DEBT AUTHORIZATION THEREIN FROM \$6,999,784 TO \$12,237,784 AND TO INCREASE THE TOTAL DOWN PAYMENT THEREIN FROM \$350,216 TO \$612,216.**

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

Copy of the Ordinance Duly Filed

UPON MOTION made by Council Vice-President Koppel and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE ACCEPTING THE CONVEYANCE OF A CONSERVATION EASEMENT AND DEED OF DEDICATION OF RIGHT-OF-WAY FROM KEITH AND GINA KURCZESKI.**

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

Copy of the Ordinance Duly Filed.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz the following entitled **RESOLUTION** was moved for adoption: **RESOLUTION CONSENTING TO THE SETTLEMENT FOR JSM AT ROUTE 33, LLC v. THE PLANNING BOARD OF THE TOWNSHIP OF MONROE AND THE TOWNSHIP OF MONROE.**

Council President Tamburro introduced Mark Remsa, Township Planner for both the Planning & Zoning Boards, to explain where we were, where we are, and what the town is looking to accomplish with this Resolution.

Mr. Remsa explained that he was part of the team that worked on the settlement along with the Township Attorney's office and the Planning Board Attorney. A suit was filed by JSM against the Township and the Planning Board when Market Place @ Monroe on Route 33 was denied without prejudice by the Planning Board. It was brought to the Superior Court and through discussions, a global settlement was decided on for two projects i.e. The Market Place @ Monroe on Route 33 and The Villages at Monroe on Mounts Mill Road.

He proceeded to give a background on the purposes of the two zones. The project on Route 33 is called the AHMUD/HD Overlay Zone and the Mount Mills Road project is the VC 1 Overlay Zone. These two overlay zones were created with a purpose and that is to help Monroe deal with the State mandates that are handed down by the NJ Council on Affordable Housing. If a municipality does not deal with their Affordable Housing obligations, builders have a "Builders Remedy" lawsuit, which, if won, the developers have the ability to tell municipalities where they will put their Affordable Housing. Both projects were designed to have mixed use development.

The project in the Mounts Mills Road area already has preliminary approval and it was a conforming application. Under the approved plan the non-residential amount of space was 74,100 sq. ft. Under the settlement, it will increase to 92,234 sq. ft., which reflects an increase in commercial space. There is no change in the number of residential units which is 522. What has changed significantly is the amount of affordable housing family units which is zero right now and has been replaced with affordable housing age-restricted rental units. We are going from 79 family affordable units to 66 age-restricted affordable units. Under sets of rules by COAH, with the approval, 15% of all residential units must be affordable. The change went from 15% to 12.5%, a 2 1/2% reduction.

With regard to commercial, it will go from 433 units to 456 market rate units, an increase of 13 units.

Another important component for The Villages was phasing, the attachment of residential and non-residential development. Under the approval, there was no phasing. Under the amendment, 200 housing units can be built and COs can be issued and after the 200 built units, Cos for 25,000 sq. ft. of commercials. Then, 75% market rate residential units (342) can be built with Cos. Past this, 40,000 sq. ft. of no residential space must be completed with COs issued.

Council President Tamburro clarified that the 40,000 sq. ft. included the original 25,000 plus and an additional 15,000 sq. ft. He asked what impact would this have on the development and phasing.

Mr. Remsa explained that it will speed up the positive fiscal impact early on in the process. Typically, this is done by the developer at the end. We basically did not have any leverage on the Mounts Mills Road project because it was a compliant application.

The Market Place on Route 33 was not approved and no one knows what would have happened if the Superior Court ruled on the lawsuit.

In terms of what was achieved through the settlement, the non-residential space for Route 33 went from 117,341 sq. ft. up to 178,452 sq. ft. There was a substantial increase (50%) in non-residential space.

In terms of residential space, the overall residential numbers did not change. They are still at 749 units; however, that project had 188 affordable family units. Those are the ones that generate most of the children. Under the proposed settlement, there will be none of that housing type.

Council President Tamburro explained that the proposed settlement is under the jurisdiction of the Judge and we have 30 days in which to agree. It will go from the Council Meeting this evening back down to the Planning Board for approval.

Mr. Remsa continued by stating that the 188 affordable family units are now 131 age-restricted units. Under the proposed plan there was also 25% "set aside" which is very high. We were able to achieve a 17.5% "set aside". Therefore, there are substantial changes in the residential component of the Market Place project. There will be a substantial increase of non-residential space and substantial changes in the affordable housing component, all leading to significant surpluses in the fiscal impact.

The Market Place and The Villages also require lands to be set aside for Monroe Township to provide 100% affordable housing, veterans housing, etc. In the instance of the Route 33 project, we were able to negotiate for the developer to extend water and sewer utilities to the site. It is much larger than 10 acres. The Developer has agreed to run water & sewer at their expense.

These are the major components of the two projects and how they have changed under the proposed settlement.

Recapping: **The Market Place** - 188 affordable family units / changed to 131
Age-restricted affordable units

The Villages - 79 affordable family units / changed to 66
Age-restricted affordable units

Council President Tamburro asked if, under the new affordable housing guidelines, do we know what number might be for Monroe and Mr. Remsa responded that the affordable housing requirement for all Municipalities is not going away, it is a constitutional requirement. In the instance of the current set of rules, it is somewhere in the neighborhood of 1600 units. We will actually come up against, which is a positive, the 1000 unit cap. That means during our 3rd Round Affordable Housing obligation, we will have a 1000 unit cap. We will not be going over the numbers that are much higher. This must be verified. There are a lot of inconsistencies in the new set of rules. For example, the new COAH rules omit some of the previous work such as the RCA regional contribution agreement that we had with New Brunswick. Some verifying must be done.

Councilman Leibowitz stated he is glad we were able to get some compromise and some solution. Having a 55+ community, with rental or purchase, is much more desirable.

Councilman Dalina asked if there is any design changes and Mr. Remsa responded "yes". For the AHMUD Zone there will not only be changes to the site plan, there will have to be some Zoning Board changes. Also, in the VC 1 there will be site plan changes as well as zoning changes.

Councilwoman Schneider finds this settlement to be fair for each side.

Council Vice-President Koppel asked to reiterate and comment on the "builders remedy" and how we got to this point from the Master Plan to which Mr. Remsa complied.

Councilman Leibowitz asked Mr. Remsa to explain the "Global Settlement" and Mr. Remsa explained that it brought in the "approved" project as well as the project that was "denied" without prejudice, looked at the components of each, and then proposed a modification to the two of them.

Mayor Pucci commented on "Adult Affordables / Age-restricted Rentals", asking how this worked into the formula or our overall number and Mr. Remsa explained that it fits in quite well and proceeded to explain why.

The Mayor then asked how we get the credit on the "Veterans Housing" and Mr. Remsa explained that all the bonus credits that we used to accumulate by doing certain types of housing are all wiped away.

PUBLIC:

Steve Riback, 23 Riviera Dr. – of the original 749 attached units, the developer claimed would yield 237 new students. A figure hard to believe due to outdated information. The numbers were not realistic with the numbers of today. Schools are overflowing, taxpayers are suffering due to the financial burden of high real estate taxes. The landscape of our town will be forever changed if these mega developments are not stopped. The Master Plan needs to be altered so that high density/high volume residential developments can no longer be built. What he is hearing tonight is a step in the right direction and he commended all for making this happen.

Charlie Lerman, 11 Doral Dr. – added that the developer came before the Planning Board painting a rosy picture of the income the Township would obtain from these two developments based on conservative estimates with regard to school children. He asked if the Township has made an economic study on what this proposal will have on the Township regarding services as well as the school system.

Mr. Remsa addressed the impact on the school system by the consultant that the town hired. By eliminating the family units on these two projects, the fiscal impact will improve dramatically and since there is an increase in commercial space in both projects, it will add to the positive impact.

Victor Cooper, Abbot Ct. – asked Mr. Remsa if the Court ordered the negotiation that created the settlement and Attorney Pasquale explained what he believes to have transpired.

Mr. Cooper commended the efforts in reducing the number of children coming out of these projects. He also encourages two things:

1. Change the Master Plan to reduce the possibilities of this happening in the future.
2. Support what Mr. Riback requested and develop a template - a standard to determine fiscal impact on the town, both school wise and non-school wise, so we do not have builders coming in with their own numbers.

Mayor Pucci stated that the one thing Mr. Remsa had added this evening is the fact that COAH now, which has been established and which the Governor was emphatic in passing, makes us deal with a ratio now of 10%. What that means is that if you have the builders remedy, you have a 9-1, which is, for every 10 it is 1 affordable. This means it expands it even further than it was under any regulation. With this established, he agrees that a reassessment of where we are right now with our Zoning and the Master Plan when it comes to the Affordable Housing issue needs to be re-examined.

Robert Zeglarski, 162 Tournament Dr. – asked if there is any mention in this settlement / resolution of a payment in lieu of taxes as part of the settlement.

Council President Tamburro stated that the Township does not advocate that and never will.

Mr. Zeglarski asked if there was a number or estimate, regarding Affordable Housing, on what is required for Veterans or Seniors. Mr. Remsa stated he believes the town is going to fall under the 1000 unit cap.

Michele Arminio, 9 Nathaniel St. – asked about the impact of the current construction and if it will have an impact going into the future for affordable housing.

Council President Tamburro gave the example of Monroe Manor which has affordable housing. As 5 units are built, 1 of the units within the 5 is an affordable unit.

She questioned the Orchards, which are single-family dwellings and there are about 130 units there. Will we be obligated on that high density development to give out affordable housing in the future.

Council President Tamburro stated we had no control over the Orchards. That was a conversion under the SARLO Bill. What we were able to negotiate with them was 25 acres of land, some affordable housing units and 25 acres of land from Hovanian is for us to build affordable housing for veterans.

She continued to ask “any single-family, age-restricted units that are built, will there be a future obligation of affordable housing?”

Mr. Remsa stated that it has always been calculated by what is a “regional obligation”. NJ is broken up into a number of housing regions. We happen to be in the Middlesex-Somerset Region. Those calculations are done for that whole region and then they get a portion throughout using projections in population growth, projections in housing growth, and projections in employment growth. There is a complex formula that COAH has always used for Rounds 1 & 2 and now Round 3 to portion every municipalities obligation based on a regional need. They do not look into each individual municipality.

Ms. Arminio went back to the comment made about not having any control over the “Orchards” because of the SARLO Act, stating that we did have control. That particular parcel was originally zoned for 29 homes.

Council President Tamburro corrected her and stated that she is talking about Monroe Chase not the Orchards.

She proceeded to say that the Master Plan, the Planning Board and the Township Council do have control over certain things. Monroe Chase was an example of where there were 29 units through that zoning. Then the builder came to the Zoning Board and was given a conditional use. They did not change the zoning. Then the SARLO Act came into effect.

Council President Tamburro stated that this was good news as it went from 29 market rate houses to 130 senior houses. No impact on the BOE.

Ms. Arminio stated that the Planning & Zoning Boards are granting approvals for things that they are not obligated to grant. If we stuck to our plans and did it conscientiously, we wouldn't have the high density. We are urbanizing Monroe with these high-density developments and taking away our open space.

Tom Nothstein, 15 Nathaniel St. – asked how Phasing helps the Township.

Mr. Remsa replied that the Phasing of The Villages will require commercial development to be built up-front as a certain percentage of the residential units are being built. Rather than having all residential units built and then at some point in time the developer decides to build the commercial, you do not have control over that. Now we are phasing it in so that we require a certain amount of commercial space be built up-front as a certain percentage of the residential is being built.

With that in mind, Mr. Nothstein mentioned that on Route 33 we have increased the commercial 50% and asked if there is any phasing on this project.

Mr. Remsa replied that there is no phasing there because the understanding is that there is a more robust commercial market and that it is anticipated to see commercial development to lead that project rather than lag behind it.

Regarding the phasing on The Villages, Mr. Nothstein asked if this means that commercial property has to be built or leased for commercial use. His concern being that there is a bunch of commercial property being unused.

Mr. Remsa stated that the requirement is to have Certificates of Occupancy (COs) issued at the time. When any CO is issued it becomes an increased taxable property.

Mayor Pucci commented that he had a legitimate concern and that is why the formulas were put in so that we would not experience something to the effect that they have on Texas Rd.

Next, Mr. Nothstein mentioned that on COAH, you are setting aside 25% on the Route 33 site and Mr. Remsa stated that was the "as submitted".

Mr. Nothstein believes this is a workable solution. It is going in the right direction. He feels the numbers are incorrect as far as the school age children - 1205 market rate units adding about 327 students. He takes exception to the fact that affordable housing produces more school age children. He does not see where that is the case.

Don Haback, 11 Torrey Pines Dr. – stated that his question relates to numbers. The numbers that he came up with regarding school children is 456 for Mount Mills and 618 for Route 33. Whatever number you choose, even 1 student per unit, you are talking approx. 50 classrooms. His question is, has anyone done a financial analysis of the cost side vs. the revenue side from the commercials and what is the average dollar per square foot and how soon will you be getting it.

Council President Tamburro stated that what you have to look at is the phase of build-out. Mr. Remsa stated that it takes about 10 years. It is not an immediate impact on any infrastructure or school district. It is phased-in over years. Monroe Manor is a perfect example of that. It was approved over 20 years ago and they are still building it out.

Mr. Remsa did state that the applicant did submit fiscal impact analysis and within those reports are the numbers Mr. Haback is interested in. He also mentioned that the number of students per unit quoted by Mr. Haback were a little high. Housing types need to be looked at. These reports are located in the Planning Department.

Mr. Haback asked why phasing was not insisted upon for the bigger development and Mr. Remsa stated that it was discussed but because the market over there is much better, the developer will be leading with commercial development.

Mr. Haback thanked everyone and felt that this is a good plan.

Hy Grossman, 15 Doral Dr. – stated that the Route 613 & Mount Mills Rd proposal is not in litigation but postponed. The only litigation is the Route 33 project which was denied and appealed.

He commented on the approval of an additional \$5 million dollars for open space acquisition, stating Monroe hasn't forgotten open space development.

Stanley Wallerstein, 42 Crenshaw Ct. – asked if this settlement will change the overall picture for the preliminary plan that was submitted for Mount Mills and The Villages and Council President Tamburro stated that this is correct.

He then asked if this plan now would be re-submitted to the Planning Department for them to concur that there is additional residential or commercial space and where it is to be located and will it conform to the Master Plan that calls for a village concept to be there.

Council President Tamburro explained that the next phase is for the Planning Board to approve the settlement agreement.

Mr. Remsa stated that the applications will be to coming back to the Planning Board with revised site plans and subdivisions.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, the following entitled Resolution was moved for adoption: **RESOLUTION CONSENTING TO THE SETTLEMENT FOR JSM AT ROUTE 33, LLC v. THE PLANNING BOARD OF THE TOWNSHIP OF MONROE AND THE TOWNSHIP OF MONROE.**

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

R-7-2014-171 RESOLUTION CONSENTING TO THE SETTLEMENT FOR JSM AT ROUTE 33, LLC v. THE PLANNING BOARD OF THE TOWNSHIP OF MONROE AND THE TOWNSHIP OF MONROE.

Copy of Resolution Duly Filed.

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

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

R-7-2014-172 RESOLUTION AUTHORIZING RELEASE OF CASH GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR REVIEW AND INSPECTION OF ON-GOING CONSTRUCTION AT W&S SITE 682.1 FOR COSTCO WHOLESALE CORPORATION.

R-7-2014-173 RESOLUTION AUTHORIZING THE PURCHASE OF EXTERIOR DOORS FOR THE MONROE TOWNSHIP COMMUNITY CENTER.

R-7-2014-174 RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GIFT BEQUEATHED TO THE MONROE TOWNSHIP OFFICE ON AGING IN THE LAST WILL AND TESTAMENT OF CHARLOTTE EDER.

R-7-2014-175 RESOLUTION AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE FOR THE TOWNSHIP OF MONROE.

R-7-2014-176 RESOLUTION AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT.

R-7-2014-177 RESOLUTION AUTHORIZING APPLICATION FOR PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM ADMINISTERED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES, OFFICE OF CLEAN ENERGY.

R-7-2014-178 RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENT.

R-7-2014-179 RESOLUTION CANCELLING MUNICIPAL TAX SALE CERTIFICATE.

- R-7-2014-180** RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE THE MATTER OF 211 CRANBURY STATION ROAD, LLC v THE TOWNSHIP OF MONROE AS EXTRAORDINARY LITIGATION.
- R-7-2014-181** RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO TIMOTHY HOFFMAN REAL ESTATE APPRAISERS, INC. FOR APPRAISAL SERVICES RELATED TO BLOCK 77, LOTS 2.3 & 2.3QFARM.
- R-7-2014-182** RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH FEIST ENGINEERING, INC. FOR TITLE SURVEY, PROPERTY DESCRIPTION & PHASE 1 ENVIRONMENTAL ANALYSIS FOR OPEN SPACE ACQUISITION.
- R-7-2014-183** RESOLUTION AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES.
- R-7-2014-184** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO WATER WORKS SUPPLY CO., INC. FOR SECTIONS B, C1, C2, D, AND F OF CONTRACT NO. 428 FOR "WATER & SEWER SYSTEM APPURTENANCES" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").
- R-7-2014-185** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO KENNEDY CULVERT SUPPLY CO. FOR SECTIONS A, C3, E2, G AND H OF CONTRACT NO. 428 FOR "WATER & SEWER SYSTEM APPURTENANCES" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").
- R-7-2014-186** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO J. FLETCHER CREAMER & SON, INC. FOR CONTRACT NO. 429 - "SYSTEM REPAIR SERVICES" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").
- R-7-2014-187** 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) "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund" Grant - \$59.08
- R-7-2014-188** RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER NO. 1 SUBMITTED BY A. TAKTON CONCRETE CORPORATION IN CONNECTION WITH 2014 ROAD IMPROVEMENTS – CONCRETE CURB, GUTTER AND SIDEWALK REPLACEMENT.
- R-7-2014-189** RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-7-2014-190** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 04-02, 12TH AND BUDAPEST STREETS.
- R-7-2014-191** RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO PROCEED WITH CONDEMNATION OF VARIOUS PROPERTIES WITHIN THE TOWNSHIP FOR OPEN SPACE ACQUISITION.
- R-7-2014-192** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR REGENCY AT MONROE, SECTIONS 8C, 8D, AND 8E.
- R-7-2014-193** RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE THE MATTER OF TOWNSHIP OF MONROE v. BERGEN MILLS ESTATES, LLC AS EXTRAORDINARY LITIGATION.

- R-7-2014-194** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ADDENDUM TO THE COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND TOWNSHIP OF MONROE REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND HOME INVESTMENT PARTNERSHIPS FUNDS.
- R-7-2014-195** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED FOR GREEK CORP. – BLOCK 53, LOT 21.05, UPON THE POSTING OF A MAINTENANCE GUARANTEE.
- R-7-2014-196** RESOLUTION CONSENTING TO THE INSURANCE SETTLEMENT FOR STONEBRIDGE COMMUNITY ASSOCIATION, INC. v. THE TOWNSHIP OF MONROE.
- R-7-2014-197** RESOLUTION AUTHORIZING THE ENTERING INTO AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING (“MOU”) BY AND BETWEEN THE MIDDLESEX COUNTY OFFICE OF EMERGENCY MANAGEMENT, THE TOWNSHIP OF MONROE EMERGENCY MEDICAL SERVICE AND THE MIDDLESEX COUNTY EMERGENCY MEDICAL SERVICES TASK FORCE REGARDING THE DEPLOYMENT OF AN EMS TASK FORCE TRAILER ON AN “AS-NEEDED” BASIS.
- R-7-2014-198** RESOLUTION AUTHORIZING THE EXECUTION OF APPLICATION DOCUMENTS WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE INSTALLATION OF IMPROVEMENTS, INCLUDING A WALKING PATH, IN THE WETLAND BUFFER AREAS LOCATED AT BLOCK 1, LOTS 1.01, 3 & 6 AND FURTHER AUTHORIZING THE ACTING TOWNSHIP ENGINEER TO ACT AS THE AUTHORIZED AGENT/REPRESENTATIVE.
- R-7-2014-199** RESOLUTION AUTHORIZING THE REJECTION OF A BID FOR SECURITY, FIRE, CAMERAS & ACCESS SYSTEMS AND RE-ADVERTISE FOR RECEIPT OF BIDS.
- R-7-2014-200** RESOLUTION AUTHORIZING THE SUBORDINATION OF AFFORDABLE HOUSING LIEN.
- R-7-2014-201** RESOLUTION CONSENTING TO THE SETTLEMENT FOR ARCO CONSTRUCTION GROUP v. THE TOWNSHIP OF MONROE.
- R-7-2014-202** RESOLUTION AUTHORIZING RENEWAL OF DOG KENNEL LICENSES FOR YEAR 2014.
- R-7-2014-203** RESOLUTION AUTHORIZING THE LAW OFFICES OF KOVACS AND WILSON TO HANDLE THE BUCKELEW AVENUE/HOFFMAN STATION ROAD, MOUNT MILLS ROAD / SPOTSWOOD-ENGLISHTOWN ROAD AND BUCKELEW AVENUE/SPOTSWOOD-ENGLISHTOWN ROAD INTERSECTION WIDENING CONDEMNATION AND PROPERTY ACQUISITION PROCEEDINGS FOR BLOCK 35, LOT 11.01 AS EXTRAORDINARY LITIGATION.
- R-7-2014-204** RESOLUTION RENEWING AUTO WRECKING / JUNK YARD PERMITS FOR YEAR 2014.
- R-7-2014-205** RESOLUTION AUTHORIZING FEIST ENGINEERING, INC. TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS 2014 CAPITAL PROJECTS.

REPORTS:

Mayor Pucci – No Report

Administrator Hamilton – mentioned that Item 16.c. – acceptance of a gift bequeathed by Charlotte Eder was a sizable gift given to the Township Senior Center. This is the final distribution of a total gift in the amount of \$711,000 for transportation & programing.

Advised the tax rate has been certified by the County Tax Administrator. The bills will be going out by the end of the month.

Engineer Rasimowicz – No Report

Council Reports:

Councilman Dalina - Thanked Public Works, Recreation and Police Departments for putting on a wonderful July 4th celebration in Thompson Park.

Gave an update on the construction being done at Mike Nichols house and how he had attended his Prom & Graduation.

He further recommended going to the Library in this hot weather stating they have a wonderful film series going on through the months of July & August. There are films for the kids on Fridays.

Councilwoman Schneider – Also thanked Public Works, Recreation and the Police Departments for all their hard work on the 4th of July, stating what a wonderful program it was.

She also spoke about the tour she took of all the various departments in town with the Business Administrator and how enlightening she found it.

Council Vice-President Koppel – she was happy that the 37.7 acre Indyk Farm was entered into the Middlesex County Farmland Preservation Program. This is the 10th farm in the Township to be accepted into the Middlesex County Farmland Preservation Program.

Next she mentioned the free series of music held in Thompson Park sponsored by the Cultural Arts Commission. They run for six weeks and are held at 6pm on Thursdays starting July 10th. The series is free and a rain location is held at the new Senior Center.

Council President Tamburro – also attended the 4th of July Fireworks and commented on the great turnout and the various activities that are offered throughout the day.

Public:

George Gunkelman, 5 Kelly Ct. – spoke about the drug problem nationwide and asked if Monroe has equipped our Police force with the new injections for drug overdoses.

Administrator Hamilton responded that it is being reviewed by both the Police & EMS. They are waiting for training protocols which are issued by the Department of Health.

Mr. Gunkelman next spoke on the zoning issue discussed here this evening on the property located on Cranbury Road and the light commercial zoning and location.

Fred Johler, 15 Woodcrest Circle – Thanked the Mayor & Council for the rezoning this evening. He is not a proponent of warehousing. He requested that once the area is developed, would it be possible to have a sufficient berm.

Council President Tamburro responded that as of yet there is no application.

Hy Grossman, 15 Doral Dr. – asked for an update on the Route 613 directional signs.

Engineer Rasimowicz responded that he has spoken with the County Road Dept. and it's now at the County Engineering office being reviewed but Toll Bros. is also being reviewed for Phases 9 & 10 and this is part of the review.

He further advised that the other item being reviewed is the exit out of Championship Parkway (the vertical site triangle) as well.

Audrey Cornish, 431 Schoolhouse Rd. – informed Council about a discussion with the DEP regarding the property next to her. She called them to get the status and also informed DEP of the outfall structure draining into the stream and then onto the Parker House site.

She further appraised Council about the 12 acres landlocked behind her house, in which Parker is building on, stating the property was offered to her and upon further investigation was told the property was unbuildable.

Robert Zeglarski, 162 Tournament Dr. – spoke once again about a tax relief plan using Monroe Township Utilities Dept. surplus of connection fees towards the school budget. He stated that \$46 million dollars has been transferred from the Water & Sewer Utility Dept. surplus to the Township budget to expand the municipal budget beyond the CAP limitation and is not used for tax relief. The Board of Education had to decline a Grant in the amount of \$400,000 for a window replacement job because it could not come up with \$600,000 in local share money. He is calling upon the Mayor and Council to work with our local legislators to pass a Bill allowing the transfer of funds to the Board of Education from developer connection fees.

Charlie Lerman, 11 Doral Dr. – spoke about the turn lane on Route 613 and Country Club Drive coming into Regency stating it needs striping and an extension. It is so small it is a hazard.

Engineer Rasimowicz stated that he believes it has been approved and we are waiting on one issue, a closing, but he will follow up on the status.

Mr. Morzaria, 1031 Morning Glory Dr. – he applied for a refinance for his affordable unit.

Council President Tamburro stated that it is one of the Resolutions voted upon and approved this evening. He then explained the process and that it will take approximately 10 days.

Tom Nothstein, 15 Nathaniel St. – Questioned the following Agenda line items:

Item #16.i. - Authorization for Shain, Schaeffer & Rafanello to handle the matter of 211 Cranbury Rd LLC as Extraordinary Litigation, asking how much this has cost so far and how much additional is needed.

Administrator Hamilton stated the additional amount is \$5,000.00 for land acquisition for a traffic signal improvement.

Item #16.v. - Authorization for Shain, Schaeffer & Rafanello to handle the matter of the Township of Monroe v Bergen Mills Estates, asking the amount and the nature of the suit.

Administrator Hamilton explained there are punch list items where we are getting nowhere with the bonding company and the Township Engineer is asking the Township Attorney to intercede.

Item #15. - Insurance settlement for Stonebridge

Administrator Hamilton explained Stonebridge challenged our Ordinance, finding it to be in conflict with recent case law that took place. This is a settlement and an agreement to pay the Stonebridge Community Association \$75,000 and in addition to make the Ordinance changes to be consistent with the recent case law. Mr. Nothstein asked if this will impact other communities and Administrator Hamilton said he thought it would.

Item #16.dd. – Settlement with ARCO

Attorney Pasquale explained the issues with the builder of the Senior Center. The builder was claiming \$730,000 of added expense in completing the project and the Township was claiming about \$500,000 in a dispute in liquidated damages with the delay in developing it. A mediation took place with a mediator and a settlement was agreed upon which would be much less than the litigation. The final cost settled upon was \$185,000.

Council President Tamburro stated he has asked the Township Attorney's office to look at further litigation against the original architect that may have caused some of the delays. They will advise of the potential cost for litigation and the possible recovery.

Mr. Nothstein proceeded to comment on Mr. Gunkelman's comments before, specifically "it's about the tax rate".

Gary Busman, 7 Monarch Rd. – commented on Item #16.y. – Settlement with Stonebridge Community Association. Stated that the Homeowners Association is controlled by the builder – Lennar. They took it upon themselves to proceed with this litigation. The only reason he perceives that they went through with the litigation is to reduce their subsidy, thereby putting a negative effect on the community residents with their monthly assessments.

Administrator Hamilton stated that case law has now necessitated the change in our Ordinance.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, the Regular Meeting was Adjourned at 9:00pm.

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

Minutes were adopted on 09/03/2014