

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
SPECIAL AND AGENDA MEETING – SEPTEMBER 26, 2011

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

The Special Meeting was Called to Order at 7:30 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag.

UPON ROLL CALL by Township Clerk, Sharon Doerfler, the following members of Council were present: Councilwoman Leslie Koppel, Councilmen Michael Leibowitz and Irwin Nalitt, Council Vice-President Henry L. Miller and Council President Gerald W. Tamburro.

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

There were approximately one hundred (100) members of the Public present in the audience.

Council President Tamburro requested the following **SUNSHINE LAW** be read 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 September 22, 2011 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** on September 24, 2011 and communicated to the **CRANBURY PRESS** on September 22, 2011.
3. Posted on September 22, 2011 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.

A member of the public spoke out and asked for a "point of order". Township Attorney Joel Shain explained that a "point of order" can only be taken by a Member of the Council. There is a public portion of the meeting where the public has the opportunity to be fully heard and at that time this citizen can speak before the Council. This citizen felt that because there are two meetings this evening, shouldn't "a second public portion be held"? Council President Tamburro responded that the Township Attorney will research the matter.

Council President Tamburro announced the Special Meeting is being held for the Payment of Claims, Consideration of various Resolutions and any other business that may come before the Council. The regularly scheduled Agenda Meeting will immediately follow. Council President Tamburro asked Mayor Pucci to speak first regarding the effects of Hurricane Irene.

Mayor Pucci acknowledged that the majority of the residents in attendance this evening are residents' that have been affected by the storm. He recapped all the various groups who helped to assure there were no lives lost or no serious injuries. EMS, the Police Dept., DPW, the Utilities Department and Administrative Offices helped where needed. There was a tremendous effort by residents to help out any way they could, along with restaurants providing food. He estimated that in Monroe approximately 200 homes were affected. Out of that total there were at least a dozen displaced, with their homes being declared uninhabitable. There are about 60 homes that received severe damage and the balance had damage at varying levels. Numerous programs are being reviewed. He further explained that assessments will need to be done and then FEMA will determine what will be paid. Once this is known, some adjustments may need to be made. He further explained there are various programs and explained what they entail.

- FEMA
- Programs the town is working on.

- Grants – Affordable Housing for residents who qualify (80-90k Family of 4, 60k Family of 2).
- Open Space Program for lost homes or homes that have been very severely damaged. Town buy-out @ fair market value prior to storm – will be reviewed individually.
- Catholic Charities (Meeting tomorrow night)

Ernest W. Feist, Township Engineer and Emergency Management Director, explained the Affordable Housing Re-Hab Program which would pick up where FEMA leaves off. There is no Cap as to what can be spent but there are some income requirements. His office can provide the program brochure which has information as to what the income qualifications are and what the program can provide. He also explained the Open Space Trust Fund. This involves the purchasing of homes by the town where the owner may not be in a position to rebuild if the damage is that great. There are ten property owners that he has already spoken with that have indicated they would like the town to purchase their home and property. A fair market appraisal value will be made on the properties as they were the day before the storm. Several of these homes are in the flood area as defined by FEMA or adjacent to a flood area. Property appraisals are being done for those ten properties. Those appraisals will be delivered this week to Monroe Twp. and the Township Attorneys' Office will become the point of contact to make the offer to purchase these properties and homes.

Council President Tamburro added that the three items on the Special Meeting Agenda deal specifically to the needs of those that are victims. One is extending the tax deadline and the second waives construction fees and the third is authorizing the Appraisal of those properties mentioned by Engineer Feist.

Victims of the storm were then permitted to ask questions.

PUBLIC:

Nicole Sosnowski, 96 Tyndale Ave. – speaking for her street & the town. She is now 30 days without a home. She asked the Mayor what is being done about condemnation? The Mayor questioned Engineer Feist as to whether a determination has been made at this time and Engineer Feist advised that Mr. Downey, Director and Construction Official, has issued fourteen letters indicating that a home was not safe to occupy unless it was re-built to current standards. The State has authorized the towns to not levy any fines and to give indefinite extensions of time to rebuild the house or in Monroe's case, to offer to purchase a home or property that is impossible or difficult to rebuild. She then stated that it is her understanding that Monroe does not plan on "condemnation". Engineer Feist stated that the program spoken about this evening is not a condemnation, it is a voluntary program. She then questioned the tax deadline. Mayor Pucci responded that in discussions with the Township Attorney, he, as the Mayor, has the option to make a determination above any statute. There will be no movement on a foreclosure for unpaid taxes. The tax situation is in limbo. There will be no taxes collected from the people in this situation at this time. Water & Sewer is another concern. The Mayor explained that the town has a list of homeowners affected and these items will be put on hold and worked out at a later date.

Engineer Feist further mentioned that he has spoken with the IRS today and they requested a list of homes that were affected in Monroe Twp. The IRS will allow a full loss deduction for any damages incurred by Hurricane Irene. If you pay estimated taxes or quarterly taxes, your tax return will be put off until next quarter. The State has not announced how they will handle the tax situation.

Ms. Sosnowski then asked what do they do going on 31 days homeless. The Mayor responded that he understands the difficulty the people are going through, but they are doing everything they can to expedite programs that hopefully will be more than satisfactory.

She thanked Engineer Feist and Wayne Horbatt, Superintendent of Public Works, for all their help.

Mrs. Fakhry, 43 Forest Park Terrace – lived in her house for 42 years, never had a drop of water and lost everything including her car. She was unsure of the income requirements for one person living in a house. Engineer Feist explained the income limitations for the number of people living in the house for the COAH Program.

Bruce Bastek, 98 Tyndale Ave, stated that because his house was destroyed in the flood, he has found another house. He could rent the house until he gets the money if he gets a letter of intent from the Township saying that the town is going to buy his house. Administrator Hamilton stated that a letter has been drafted and Mr. Bastek can get a copy right after the meeting.

Mr. Avitto, 29 Forest Park Terrace, has already applied for the Affordable Housing program and wanted to know the turnaround time. Engineer Feist responded that funding is in place now. A title search must be done, income verification, and finding a contractor.

Barbara Gonzalez, 108 Applegate Ave. – she is single and has lost everything. She has received FEMA damage. She does not qualify for Affordable Housing and asked about the Open Space program, getting an estimate of what she might receive and if she had to respond right away. Engineer Feist responded that she did not have to respond immediately without knowing what the offer would be for her home & property. If she would like the town to make that evaluation, he can move forward and take those steps. It will take time to have it appraised and a report can be given to the town. The attorney's office will then issue a letter of offering.

Elizabeth Fagan, 37 Forest Park Terrace – She does have flood insurance and therefore is not entitled to FEMA. Would any of these programs be available to her? The Mayor responded that COAH would be available if residents are income qualified. She also asked if the town had a way of assuring that the insurance companies are not low-balling the estimates. He recommended getting an estimate from a contractor and put that person in touch with your insurance adjustor. He further explained the process taken for estimates through the grant program. Both could be used as comparisons. No response from your insurance company can be dealt with through the State's hot line for the Department of Banking & Insurance.

Councilman Leibowitz, being in the insurance industry for many years, offered a few suggestions.

Administrator Hamilton also mentioned that the Disaster Recovery Office on Dunham's Corner Road in East Brunswick will be open 7 days a week from 8am-6pm.

Mark Ladzinski, 52 Daniel Rd. – asked the amount available in the Open Space Trust Fund – approximately 5 million dollars. Administrator Hamilton explained that the closing would be like any real estate closing and explained the process. Open Space money is acquired through a tax assessment of 2 1/2 cents per \$100. on everyone's tax bill.

Donald Witkowski, 96 Ashmall Ave – asked the status of the pump station at the end of Ashmall Ave. and what the future plans are and the status of claims. Administrator Hamilton responded that the insurance claim has been made by the Township to its' insurance carrier. Mr. Rogers, Director of the MTUD explained that they would be raising the electrical controls and the generator that were under water. This will be raised above the high water mark within the building. We are presently on-line with a backup. At present they are installing temporary controls. Next, tort claim issues were mentioned. Administrator Hamilton explained that they are still negotiating with the insurance company. He recommended that the claims be filed and the town will follow-up on the residents behalf with the insurance fund.

Mosquitos are also a problem in the area. Administrator Hamilton advised that the Middlesex County Mosquito Control Commission has been contacted and spraying is being done in various areas.

John Salasko, 107 Applegate Ave. – he is concerned with the time that it will take for the funds to become available and wants to get back in his house as soon as possible. Mayor Pucci explained that since the emergency situation has been declared, Engineer Feist's office, along with the Building Department, will review the homeowners' proposals by their contractors to make sure that it is a reasonable cost estimate. Once that is done, emergency meetings will be held with Affordable Housing and that can be done possibly within 48 hours.

Cathy Randall, 23 Carlton Ave. – Advised they are doing the work themselves along with friends and relatives helping. It is difficult to calculate the manpower hours. She also commented that in 2005 the area flooded and the berm was never addressed. In 2007-2008 the County decided they were no longer a "high risk flood zone". They moved from a level AE to a C. The banks then allowed them not to carry flood insurance. As a result many residents dropped their flood insurance policies due to the cost. Engineer Feist explained the change in the flood zone designation by FEMA & FIRM, with changes being made throughout the state of New Jersey.

He also explained that in 2005 the South County Flood Commission was formed and resulted in a brief study in 2008. The only accomplishment was the building of a pump station at the base of Tyndale Avenue which pumps water before it comes over the top of the berm. Ms. Randall stated she would like to see a permanent fix.

Doreen Pincus, 39 Forrest Park Terrace – stated that the berm is owned by Dupont. She asked if Dupont knows that the town pumps to their property and do they even know that the berm is there? Engineer Feist responded that the town pumps back into the Matchaponix Brook on the other side of the berm. She has tree damage and is expecting them to be out to assess the damage.

Carol Keane, 91 Applegate Ave. – She questioned why there is an income requirement? She was told that the Affordable Housing Program was established by the State and that is the criteria. The Open Space program does not have an income requirement.

Mrs. Sosnowski, 96 Tyndale Ave. – has lived in the house 47 years. Her house has been flooded three times. Questioned how the appraisers could appraise from the outside. Engineer Feist stated that they will appraise from the outside, calculating the square footage and appraise the property prior to the storm. She stated she would like a copy of the appraisal. Engineer Feist stated that he does not have the appraisals yet. Mr. Shains' office will be in direct contact and provide a copy of the appraisal. There is certainly the ability to challenge the appraisal & negotiate before moving forward and making a decision. She then questioned uninhabitable vs. condemned which was explained by Administrator Hamilton.

Mike Bruno, 4 Sumac Ave. – remarked that most of the people that are here this evening were not income qualified and wanted to know what programs are available for those residents. Engineer Feist explained that there is a third program available that would need special state legislation allowing Monroe to offer a grant of up to \$10,000. from the affordable housing trust fund.

A 15 minute recess was taken.

The Special Meeting was recalled to order at 9:35pm.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the **Claims** per run date of 09/22/2011 were approved for payment as presented.

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Nalitt, the following entitled **RESOLUTIONS** were adopted under the **CONSENT AGENDA**:

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

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

R-9-2011-229	RESOLUTION EXTENDING TAX PAYMENT DEADLINE FOR VICTIMS OF HURRICANE IRENE.
R-9-2011-230	RESOLUTION WAIVING CONSTRUCTION FEES FOR VICTIMS OF HURRICANE IRENE.
R-9-2011-231	RESOLUTION AUTHORIZING AWARD OF A FAIR AND OPEN CONTRACT TO GAGLIANO APPRAISAL, LLC TO PERFORM OPEN SPACE APPRAISALS ON BLOCK 177, LOTS 7.01, 7.02, 7.03, 8.01, 8.03, 8.04, AND 8.05; BLOCK 146, LOTS 22.02 AND 22.03 AND BLOCK 37 LOTS 2, 3, AND 4.

Copy of Resolutions Duly Filed.

UPON MOTION made by Councilman Nalitt and seconded by Councilwoman Koppel, the Special Meeting was Adjourned and the Agenda Meeting Called to Order at 9:38pm.

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

Council President Tamburro read the following entitled **ORDINANCES** for **SECOND READING** at the **MONDAY, OCTOBER 3, 2011 REGULAR MEETING**:

- a. **ORDINANCE AMENDING CHAPTER 116 OF THE CODE OF THE TOWNSHIP OF**

Council President Tamburro read the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, OCTOBER 3, 2011 REGULAR MEETING**:

- a. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") UPON THE POSTING OF MAINTENANCE GUARANTEES FOR W&S 684.12 – REGENCY AT MONROE, PHASES 3 & 4 – (PB #860-03)**
- b. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") UPON THE POSTING OF MAINTENANCE GUARANTEES FOR W&S 684.16 – REGENCY AT MONROE, PHASE 5 – (PB #970-05).**
- c. **RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR W&S 684.15 – REGENCY AT MONROE, PHASE 6 (PB #655-99).**
- d. **RESOLUTION AUTHORIZING MODIFICATION OF A FAIR AND OPEN CONTRACT WITH HAZEN AND SAWYER FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH PUMP STATION #1 LIGHTING AND VENTILATION FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.")**
- e. **RESOLUTION AUTHORIZING REPLACEMENT OF CASH PERFORMANCE GUARANTEES POSTED BY AMERICAN DREAMLAND, LLC a/k/a JURGELSKY PARK ESTATES.**
- f. **RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**
- g. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED FOR BUFFOLINO (PB-927-04).**
- h. **RESOLUTION AUTHORIZING AN EXTENDED SICK LEAVE.**
- i. **RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL LEGAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. RELATED TO THE REPRESENTATION OF THE TOWNSHIP IN VARIOUS WORKERS' COMPENSATION CLAIMS AS EXTRAORDINARY LITIGATION.**
- j. **RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). (Law Enforcement Response - Community Concerns Grant in the amt. of \$5,000)**
- k. **RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR/QPA TO PREPARE AND ADVERTISE REQUESTS FOR QUALIFICATIONS ("RFQ'S") FOR VARIOUS PROFESSIONAL SERVICES FOR YEAR 2012.**
- l. **RESOLUTION AMENDING RESOLUTION R-8-2011-189 AUTHORIZING REFUND OF PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 06-55, AVENUE I.**

Councilman Leibowitz questioned Item #10.I. – He asked if we were self-insured on workers comp completely and Administrator Hamilton explained that these are carry over claims that were in effect when we were self-insured and prior to the joint insurance fund.

Mayor Pucci – No Report.

Administrator Hamilton – No Report.

Engineer Feist – Advised everyone that construction has started on signalization at the intersection of Buckelew Avenue, Route 522 & Mounts Mill/Hoffman Station Rd.

Council Reports:

Councilwoman Koppel – spoke about the wonderful work done by the volunteers. She also mentioned the Oktoberfest being held on Oct. 16th and the Green Fair on Oct. 1st.

Councilman Nalitt – mentioned that we need a Resolution extending the payment of utility bills for the flood victims. Administrator Hamilton stated that it will be done at the 10/3 Meeting.

Councilman Leibowitz – gave an update on the Colin Pascik home renovation.

Council Vice-President Miller – gave an update on the 1870's Ballgame taking place at the Dey Farm at 12 noon on Saturday Oct. 1st.

Council President Tamburro – Spoke about the golf outing/Fund Raiser held on Saturday, Sept. 24th, \$16,000. was raised for the Colin Pascik Fund. Friday Night there was a fundraiser by the Mill Lake PTO at Forsgate Country Club for the Flood Victims. Donations were also collected from within the adult communities with over \$10,000 being collected for the flood victims.

PUBLIC:

Mark Klein, Regency – advised the flood victims to be wary of shady contractors. He also felt that FEMA should have done more for the residents by providing more money & trailers more quickly. He talked about food & clothing donations made by various groups and how proud he is to be a Monroe resident.

Michele Arminio, 9 Nathaniel St. – questioned Item #7.c. - appraisals, asking where the Attorney & Engineer's fees are being paid from. Administrator Hamilton explained that all fees are coming out of the "open space trust fund". She questioned the additional amount to Shain, Schaffer & Rafanello in Item #10.i. and was told \$10,500 is for workman's comp claims.

Phil Levy, 92 Kings Mill Rd. - commented on the intersection improvements. Advised that the property owner at the hairpin turn on Mt. Mills Rd. has a "for sale" sign up. Engineer Feist explained the contractor's present intentions. Mr. Levy next questioned Items #10.a., b., & c. Engineer Feist explained that all three Items are releases of Performance Guarantees upon the posting of Maintenance Guarantees. Mr. Rogers, Director of the MTUD, assured that all three have been tested and inspected.

Kathy Randall, 23 Carlton Ave. questioned Item #10.h. - extended sick leave. Administrator Hamilton explained. She also questioned where all the money goes from the scrap metal collected by DPW. Administrator Hamilton & DPW Supt. Wayne Horbatt explained the recycling tonnage grant that reflects tonnage collected during the year.

Nicole Sosnowski, 96 Tyndale Ave. – had a follow-up question on collection. She asked the approximate number of tons picked up in the last thirty days. Mr. Horbatt explained the increase in number of collections per week. She also questioned who is overseeing the donations & gift cards. Council President Tamburro called upon Shannon Cenci, from the Township Engineer's office, who explained in detail how the donations, gift cards, and money cards are being handled and distributed. She also reported that all clothing, baby items, etc. are being placed in a storage container at the First Aid Building on Monmouth Road. There is also a tractor trailer off-site that someone has donated that contains clothing, bedding, etc. Inside the First Aid is cleaning supplies, canned foods, tarps, gloves, etc. She thanked the Monroe Police Department for their tireless efforts.

Ms. Sosnowski then questioned when would she be able to see the affordable housing & open space programs on paper to see what is available. Council President Tamburro once again explained the passing of the Resolutions this evening for the appraisals that would pertain to the open space portion. Mr. Shain's office will contact the homeowners with the appraisal. It is then up to the homeowner to accept the appraisal or get their own appraisal. The Mayor interjected that Engineer Feist has explained that anyone interested in the Affordable Housing Program can contact his office directly. There are brochures and information specifically dealing with that program. Information can also be sent out to those interested. The Open Space program is a little more involved as previously explained. Appraisals are now being done and should be completed shortly. The third program for people with a higher income, special legislation will need to be passed and will take longer.

Councilman Irwin Nalitt – mentioned that Bill Gardener, the Township's Clinical Coordinator, provided counseling, administered the necessary tetanus shots & treated various cuts and bruises. Judy Kalman, Carol Merwin, and various clergy participated in counseling where needed.

Kim Delano, 97 Ashmall Ave. – wanted to know if the Township can assist with re-financing. Attorney Shain stated that he had no knowledge of a program but would look into the matter. She then asked what could be included on the MTUD claim forms that were given. Administrator Hamilton responded that it is a Tort Claim form that goes to the Township Insurance Carrier for the clean-up process related to the sanitary sewage. It does require documentation. Each claim will be reviewed on a case by case basis. Next she asked what the appeal process would be for the town's appraisal. Council President Tamburro stated that she would have the opportunity to get her own appraisal. There will then be a fair negotiation process between the two appraisals. She also asked the status of the water and Mr. Rogers, Director, MTUD, stated that there was never any question about the drinking water being safe.

Charles Petretti, Concordia – questioned Item #10.d. – an MTUD modification for engineering services to Hazen and Sawyer, asking the cost. Mr. Rogers, MTUD Director, stated that it is \$2,171.00. Next he questioned Item #10.e. – replacement of a cash guarantee for American Dreamland. Engineer Feist explained the process. Item #10.h. – Extended sick leave – He asked the length of the leave. Administrator Hamilton explained it would be 210 days, which is the maximum leave allowable. Item #10.j. - Law Enforcement Response – Administrator Hamilton explained that the budget is amended to show the money coming in for that dedicated purpose.

UPON MOTION made by Councilman Nalitt and seconded by Council Vice-President Miller, the Agenda Meeting was Adjourned at 10:25pm.

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

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on _____