

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
SPECIAL AND AGENDA MEETING – FEBRUARY 28, 2011

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

The Special and Agenda Meeting was Called to Order at 7:30 p.m. by Council President Gerald W. Tamburro with a Salute 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 fifteen (15) 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 February 18, 2011 on the Bulletin Board of the Office of the Township Clerk and remains posted at that location for public inspection;
2. Communicated to the **CRANBURY PRESS** on February 18, 2011 and **HOME NEWS TRIBUNE** on February 24, 2011;
3. Posted on February 18, 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 or Chair.

Council President Tamburro announced the Special Meeting is being Called to Order for the purpose of conducting a Public Hearing, prior to Final Adoption of a Refunding Bond Ordinance, Consideration of various Resolutions and any other business that may come before the Council.

The following Proclamation's of Mayor Richard Pucci were read into the record:

READ ACROSS AMERICA
March 2, 2011

YOUTH ART MONTH
March 2011

UPON MOTION made by Councilman Nalitt and Councilman Leibowitz seconded by, an Ordinance of which the following is the title was moved on second reading for final passage: **REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,050,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS, SERIES 2011, BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR THE PURPOSE OF PAYING AMOUNTS OWING TO VARIOUS TAXPAYERS FOR TAXES LEVIED IN THE TOWNSHIP AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.**

ORDINANCE as follows: (O-2-2011-004)

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township") has determined that refunding bonds can be issued to pay amounts owing to various taxpayers for taxes levied in the Township; and

WHEREAS, the Township has determined to provide for the payment of tax appeal settlements with various taxpayers for tax years 2008, 2009 and 2010 in the amount of \$1,984,494, plus all costs associated with such appeals and the issuance of the hereinafter defined Refunding Bonds through the issuance by the Township of Refunding Bonds, Series 2011 in an aggregate principal amount not to exceed \$2,050,000, as provided in this refunding bond ordinance. Such aggregate amount will be utilized to pay tax refunds and not tax credits.

NOW, THEREFORE, 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. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Township are hereby authorized to be issued in an aggregate principal amount not to exceed \$2,050,000 (the "Refunding Bonds"). The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) paying tax appeal settlements with various taxpayers for tax years 2008 and 2009 in the amount of \$1,984,494, plus all costs associated with such appeal and the issuance of the Refunding Bonds, and (ii) paying the costs of issuance relating to the Refunding Bonds, including, but not limited to, printing, advertising, accounting, financial and legal services, rating agency fees, underwriter's discount, and bond insurance premiums, if any.

(b) The aggregate cost of issuing the Refunding Bonds and all costs associated with the aforesaid tax appeal judgments and settlements, as provided by N.J.S.A. 40A:2-51(b), shall not exceed \$51,000, which amount includes all items described in Section 2(a)(ii) hereof. Such amount is included in the maximum authorized aggregate principal amount of Refunding Bonds set forth in Section 1 hereof.

Section 3. Any further provisions as to terms of sale, deposit, security regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Township adopted prior to the issuance of the Refunding Bonds.

Section 4. The Township Council hereby delegates to the Chief Financial Officer of the Township the power to sell the Refunding Bonds on a negotiated basis, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations, subject to, as applicable, the limitations to be set forth in a subsequent resolution of the Township.

Section 5. The Township Council hereby authorizes and delegates to the Chief Financial Officer, in consultation with Wilentz, Goldman & Spitzer, P.A., Bond Counsel to the Township ("Bond Counsel"), the authority to negotiate, approve the terms of and to execute on behalf of the Township a Bond Purchase Agreement for the purchase and sale of the Refunding Bonds.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined by subsequent resolution of the Township, or the performance or determination thereof shall be delegated by resolution of the Township to a financial officer of the Township.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Township required by N.J.S.A. 40A:2-55.

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 Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Township Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with the "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date of the public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Township Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance. The Clerk is hereby authorized and directed to set the date of the public hearing for this refunding bond ordinance for February 28, 2011.

Section 10. After final adoption of this refunding bond ordinance by the Township Council, and approval by the Mayor, the Township Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with the "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Township Council hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to pay amounts owing to various taxpayers for taxes levied in the Township and resulting from various tax appeal settlements. Such amounts represent tax payments and are not representative of tax credits.

Section 13. 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, New Jersey Department of Community Affairs, and such statement shows 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 \$2,050,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided in the Local Bond Law, but not prior to the time that the consent of the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, as provided by N.J.S.A. 40A:2-55.

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

Michele Arminio, 9 Nathaniel St. – asked if these taxes were collected and are now being refunded. Council President Tamburro explained that "yes" this is part of the tax appeal process.

She questioned why we have to borrow to pay back taxes that we are getting less of now. Administrator Hamilton explained that the law allowed for prior year refund payments to be spread out over a three year period. For the current year, with 5 million dollars in tax appeals, we are not able to finance. That is being dealt with differently. We are working on the spec's for a revaluation.

She then asked the total amount of refunds for 2009 & 2010. Administrator Hamilton responded \$1,984,494. These are the refunds that the current law enables the town to spread out over a three year period. She asked how the current year appeals are being paid and Administrator Hamilton explained that a portion is being credited in the 4th quarter taxes and the balance in refund checks. The intention of a revaluation eliminates the need for tax appeals.

As Councilman Nalitt 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: **REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,050,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS, SERIES 2011, BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY FOR THE PURPOSE OF PAYING AMOUNTS OWING TO VARIOUS TAXPAYERS FOR TAXES LEVIED IN THE TOWNSHIP AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.**

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

Copy of Ordinance Duly Filed.
O-2-2011-004

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

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

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

- R-2-2011-049** **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A RENEWAL AGREEMENT WITH THE BOROUGH OF HELMETTA FOR THE CONTINUED PROVISION OF JOINT ANIMAL CONTROL SERVICES.**

- R-2-2011-050** **RESOLUTION APPROVING THE EXTENSION OF THE INTRODUCTION AND APPROVAL OF THE MONROE TOWNSHIP 2011 ANNUAL BUDGET TO MARCH 7, 2011.**

- R-2-2011-051** **RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO PREPARE QUALIFICATIONS AND ADVERTISE FOR RECEIPT OF RFP'S FOR TOWNSHIP-WIDE PROPERTY REVALUATION.**

- R-2-2011-052** **RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR WELLS 17/19 TREATMENT FACILITY WITH THE NJDEP AND NJ ENVIRONMENTAL INFRASTRUCTURE TRUST FUND AND FURTHER AUTHORIZING THE M.T.U.D. DIRECTOR TO ACT AS THE AUTHORIZED REPRESENTATIVE.**

Copies of Resolutions Duly Filed.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, the following entitled Resolution was moved for adoption: **RESOLUTION AUTHORIZING AND APPROVING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF A LIQUOR LICENSE ISSUED TO DOMENICO MUSSO.** (License is being transferred to Taverna Ouzo Group, Inc. from Domenico Musso)

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

Resolution as follows:

R-2-2011-053 RESOLUTION AUTHORIZING AND APPROVING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF A LIQUOR LICENSE ISSUED TO DOMENICO MUSSO. (License is being transferred to Taverna Ouzo Group, Inc. from Domenico Musso)

Copy of Resolution duly filed.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the Special Meeting was Adjourned at 7:40pm and the Agenda Meeting Called to Order.

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 into the record the following entitled **ORDINANCE** for **SECOND READING** at the **MONDAY, MARCH 7, 2011** Regular Council Meeting.

- a. **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".**

Council President Tamburro read into the record the following entitled **ORDINANCE** for **INTRODUCTION** at the **MONDAY, March 7, 2011** Regular Council Meeting.

- a. **ORDINANCE AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO ENTER INTO AN ACCESS EASEMENT AGREEMENT BY AND BETWEEN DTAK MONROE, LLC AND THE TOWNSHIP OF MONROE REGARDING THE COMMUTER PARKING LOT ON APLEGARTH ROAD.**

Council President Tamburro read into the record the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, MARCH 7, 2011** Regular Council Meeting:

- a. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED FOR ALOVATS INDUSTRIAL CAMPUS (ON-SITE ROAD CONNECTION).**
- b. **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR STONEBRIDGE, PHASE I, SECTION 4A.**
- c. **RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES FOR THE YEAR 2008 ASSESSED ON BLOCK 109.38, LOT 29.32 AND TO REMOVE SAID BLOCK AND LOT FROM THE TAX ROLLS.**
- d. **RESOLUTION AUTHORIZING EXTENSION OF FAIR AND OPEN CONTRACT NO. 370 "OPTO 22 IRRIGATION SYSTEM UPGRADES & MAINTENANCE" WITH NSI NEAL SYSTEMS, INC. FOR MONROE TOWNSHIP UTILITY DEPARTMENT ("MTUD").**

- e. **RESOLUTION AUTHORIZING MODIFICATION OF A PROFESSIONAL SERVICE CONTRACT WITH HATCH MOTT MacDONALD FOR WELL NOS. 17-19 WATER TREATMENT PLANT IMPROVEMENTS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- f. **RESOLUTION AUTHORIZING AWARD OF A FAIR AND OPEN CONTRACT TO HATCH MOTT MacDONALD FOR GENERAL ENGINEERING SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
- g. **RESOLUTION GRANTING ADVICE AND CONSENT TO THE RE-APPOINTMENT OF MEMBER TO THE OPEN SPACE AND FARMLAND PRESERVATION COMMISSION.**
- h. **RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS WORKERS’ COMPENSATION CLAIMS IN YEAR 2011 AS EXTRAORDINARY LITIGATION.**
- i. **RESOLUTION AUTHORIZING AWARD OF BID FOR AMBULANCE REPAIR, PARTS AND SERVICE. (Bids to be received on 3/3/2011)**
- j. **RESOLUTION AUTHORIZING AWARD OF BID FOR ADULT MINI BUSES. (Bids to be received on 3/3/2011)**
- k. **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR STONEBRIDGE, PHASE 2 - PERIMETER ONLY.**
- l. **RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS STATE TAX COURT APPEALS IN YEAR 2011 AS EXTRAORDINARY LITIGATION.**
- m. **RESOLUTION AUTHORIZING BUDGET APPROPRIATION RESERVE TRANSFERS.**
- n. **RESOLUTION AUTHORIZING RENEWAL OF DOG KENNEL LICENSES FOR YEAR 2011.**
- o. **RESOLUTION PROVIDING THAT THE 2011 MUNICIPAL BUDGET BE READ BY TITLE AT THE TIME OF THE PUBLIC HEARING.**
- p. **RESOLUTION INTRODUCING THE 2011 MUNICIPAL BUDGET.**
- q. **RESOLUTION AUTHORIZING REFUND OF A PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 10-13.**
- r. **RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AND RELEASE AGREEMENT BY AND BETWEEN XL SPECIALTY INSURANCE COMPANY AND THE TOWNSHIP OF MONROE.**
- s. **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A DRAINAGE EASEMENT AND AGREEMENT BY AND BETWEEN THE ENCORE MONROE CONDOMINIUM ASSOCIATION, INC. AND THE TOWNSHIP OF MONROE.**

Mayor – No Report.

Administrator: Administrator Hamilton stated that the Budget will be introduced on Monday, March 7th and Budget Work Sessions will be held on March 15th and 17th.

Engineer – No Report.

Council:

Councilwoman Koppel – reported that there will be a Kite Flying event at the Daniel Ryan field on April 16th at 11am.

Councilman Leibowitz – No Report.

Councilman Nalitt – spoke about the concert event he attended on Saturday along with Councilman Miller and Business Administrator Hamilton. It was an outstanding program.

Councilman Miller – asked if the Administrator would further elaborate on the re-evaluation.

Administrator Hamilton explained that every property needs to be inspected. After the properties are inspected, each homeowner will get a card with the anticipated change. At that time the homeowner will have the opportunity to meet with the revaluation company to discuss the change in value.

Mayor Pucci also commented that the rule of thumb is that older homes will be the ones with the higher adjustments. The unique situation in Monroe, as seen from the tax appeals, is that many of the homes in our retirement communities, the older homes, are getting substantial adjustments that a normal revaluation would pick up. It is really the comparison of sales.

The other impact will be land values on industrial & commercial properties. No one knows at this point what the impact will be.

Council President Tamburro – mentioned the large crater at the exit driveway of the library and Councilman Leibowitz mentioned a sinking manhole. Engineer Feist advised he will have the locations looked into.

Public:

William Rogove, 13 Steeple Dr., Stonebridge – Stated he and the people of Stonebridge are concerned with the Bonding topics that come before the Council. Also mentioned an emergency access off of Old Church Road and Engineer Feist stated that it is his intention that the next application that is made for the next Phase, to bring the emergency access to the table and ask that this be included as part of the amended site plan. He would also like a copy of Phase II.

Gary Busman, Stonebridge – complimented the entire Council for the good work they do.

Patrick Hye, Mount Mills Rd. – stated he has revaluation questions. Questioned if the amenities that a community has are the responsibility of the Developer and then transferred over to the Association? Council President Tamburro explained the process.

Mr. Hye also complimented the Road Department on the excellent job in handling the snow.

Michele Arminio, 9 Nathaniel St. – Questioned Item #8.a. – Renewal Agreement with Helmetta for joint animal control services. Administrator Hamilton advised there is no money involved and is a reciprocal Agreement.

Item #8.d. – Application for Wells 17/19 treatment facility with NJDEP and NJ Environmental Infrastructure Trust Fund, authorizing the MTUD Director to act as the authorized representative. MTUD Director Mike Rogers explained they are applying to the State for stimulus funds and this Resolution will allow him to sign the applications.

Item #11 – Access easement Agreement by DTAK Monroe, LLC & the Township regarding the commuter parking lot on Applegarth Rd. Engineer Feist explained there is a common driveway and this is an Agreement to utilize that driveway.

Item #12.c. – Tax Collector to cancel taxes for year 2008 assessed on Blk. 109.38, Lot 29.32 and to remove from tax rolls. Administrator Hamilton advised this was the result of a deed consolidation and the property was being double billed.

Item #12.d. – MTUD Fair & Open Contract No. 370 OPTO 22 Irrigation System Upgrades & Maintenance. Ms. Arminio asked if this is a new contract and MTUD Director Mike Rogers explained it is an extension of last year's contract.

Item #12.g. – reappointment of a member to the Open Space & Farmland Preservation Commission – asked what the criteria and Council President Tamburro explained that it is the re-appointment of Mr. Mark Remsa.

Item #12.h. – Authorizing Shain, Schaffer & Rafanello to handle various workers compensation Claims in 2011 as extraordinary litigation. She asked the hourly rate and Administrator Hamilton responded that he believes it is \$195.00 per hour, not to exceed \$15,000.

Item #12.i. - Authorizing Shain, Schaffer & Rafanello to handle various state tax court appeals in year 2011. Administrator Hamilton advised the amount is not to exceed \$75,000.

UPON MOTION made by Councilman Nalitt and seconded by Councilwoman Koppel the Special & Agenda Meeting was Adjourned at 8:10pm.

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 adopted on _____