

**COUNCIL OF THE TOWNSHIP OF MONROE**

**MINUTES**

**REGULAR MEETING - JUNE 3, 2015**

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

The Regular Meeting was Called to Order at 7:00 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag led by Mill Lake School second grader Gianna Romeo and Woodland School fifth grader Nicholas Santos.

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

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

There were approximately one hundred (100) 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 2, 2015 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 2, 2015;
3. Posted on January 2, 2015 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.

Council President Tamburro stated it is with great pleasure that we are here tonight recognizing our High School students that won the Middlesex County Vincent J. Apruzzese Mock Trial Competition.

Council President Tamburro introduced the Honorable Alan A. Rockoff, Arbiter of the Superior Court, recently retired as Executive Director of the N.J. State Commission of Investigation.

Judge Alan Rockoff addressed the Monroe Township High School Middlesex County Mock Trial Championship Team and Human Relations Commission Recipients with kind words, calling them our future leaders and thanking them for their extraordinary dedication and for already making a difference.

Council Vice-President Koppel addressed the team, giving warm congratulations and along with Judge Alan Rockoff, presented a championship plaque to each of the following Mock Trial champions present:

Senior- Michele Barclay, Senior- Ankita Satpathy, Junior- Lucas Fox, Junior- Raghavi Nimmala, Junior-Theresa Zieser, Senior- Nina Gharaibeh, and Senior- Rachel Gentile.

The following Monroe Township High School Middlesex County Mock Trial Championship Team Members were not present but recognized:

Student Members: Anne Ballman, Allison Levier, Jasmine Elshamy, Matthew Maiolo

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Student Backup Members: Lauren Gaskel, Jeremy Mammen, Martin Hluchy, Brianna LaRussa, Toni Rothchild, Amy Lassiter, Amy Williamson, Harshini Malli, Irum Yasmin.

Student Team Manager: Bridget Slomian

A ten minute recess was taken and the Regular Meeting was recalled to order at 7:45 p.m.

Council President Tamburro opened the Annual Human Relations Commission Ceremony honoring and presenting Awards to those students who have been selected by their teachers as exemplifying the 6 Pillars of Character: Caring, Responsibility, Respect, Fairness, Citizenship and Trustworthiness.

Council President Tamburro turned the Program over to Lieutenant Lisa Robinson, Chair of the Human Relations Commission. Lt. Robinson thanked everyone for coming out to support these outstanding students and thanked the Mayor and Council for their support, all the teachers, administrators and especially the parents for raising, guiding and empowering these amazing children.

Lieutenant Lisa Robinson and Councilwoman Elizabeth Schneider presented awards to the following students:

**Barclay Brook**

Pre-K: Misan Udoughan                      Kindergarten: Mikayla Manfre  
Grade 1: Taylor Barta                        Grade 2: Justin Motard

**Applegarth School**

Grade 4: Christopher Chaves              Grade 5: Charlene Olavides

**Oak Tree School**

Pre-K: Rahul Paladugus                      Kindergarten: Krista Dranchak  
Grade 1: Brandon Schrob                  Grade 2: Maya Davis  
Grade 3: Suddarth Omkar

**Brookside School**

Grade 3: Gianna Koch                        Grade 4: Alexis Lu  
Grade 5: Emmanuel Polo

**Mill Lake School**

Pre-K: Trevor Puskas                        Kindergarten: Gabrielle Elia  
Grade 1: Luke Naidrich                      Grade 2: Gianna Romeo

**Woodland School**

Grade 3: Brody Piscitelli                  Grade 4: Sofia Marretta  
Grade 5: Nicholas Santos

**Middle School**

Grade 6: Monisha Kapadia                  Grade 7: Adhya Khare  
Grade 8: Emily Hoven

**High School**

Freshman: Kirtana Madiraju                Sophomore: Arianna Yousafazi  
Junior: Jared Theinert                        Senior: Peter Gasko

Council President Tamburro congratulated all the award winners.

A ten minute recess was taken and the Regular Meeting was recalled to order at 8:10 p.m.

**UPON MOTION** made by Council Vice-President Koppel and seconded by Councilman Dalina, the **CLAIMS** per run date of **05/21/2015** were approved for payment as presented.

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

**UPON MOTION** made by Councilman Dalina and seconded by Council Vice-President Koppel, the **Minutes** of the **April 6, 2015** 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 Council Vice-President Koppel and seconded by Councilman Dalina, the **Minutes** of the **April 27, 2015** Agenda Meeting were approved as written and presented.

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

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

**ORDINANCE** as follows (O-6-2015-009)

**BE IT ORDAINED** by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 39 of the Code of the Township of Monroe is hereby amended as follows: [~~deleted~~] and **added/revised**

**SECTION 1.**

**§ 39-1. Title.**

**§ 39-2. Purpose.**

**§ 39-3. Fees enumerated.**

**§ 39-4. Board of Education exemption.**

**§ 39-1. Title**

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

**§ 39-2. Purpose**

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

**§ 39-3. Fees enumerated.**

**A. General Fees.**

(1) Fees for copies of public records.

(a) Copying by page.

Letter size (8 ½ x 11) \$0.05

Legal size (8 ½ x 14) \$0.07

(b) Whenever the nature, format, manner or collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the township may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies.

(c) For motor vehicle accident reports which are requested other than in person, an additional fee of five dollars (\$5,) will be charged for the first three (3) pages and one dollar (\$1.) for each page thereafter, as provided by N.J.S.A. 39:4-131.

(d) For all other police reports which are requested, other than in person, the fees for the reports will be as outlined in Section 39-3A. General Fees (1)(a), plus any and all postage fees.

~~(e) Dictaphone tapes - \$5.00 per copy.~~

~~(f) Audio tapes - \$5.00 per copy.~~

(g) Digital video disc (DVD's) **and/or Compact Disc/CD** - \$.85 per copy

(h) Photographs.

[1] Complete sets - \$5.00 per picture.

[2] 8 x 10 enlargements - \$15.00 per enlargement.

[3] 8 x 12 enlargements - \$20.00 per enlargement.

[4] Compact disc/DVD - ~~\$.57~~ **\$.85** per CD/DVD containing still digital photographs.

~~(i) Diskette - \$5.00.~~

~~(j) Compact Disc/CD - \$.57.~~

## Monroe Township Utility Department fees and charges.

### RATE SCHEDULE

#### PART 1 – SEWER SERVICE

##### SECTION A – DEFINITIONS

A “UNIT” shall be defined as follows:

1. Residential:

(a) Each single family dwelling.

(b) Each single family apartment dwelling in a multiple family structure or structures.

2. For users other than residential: including each tenant in a non-residential building, an Equivalent Dwelling Unit of sewage flow shall be deemed to equal ~~443~~ **141** gallons per day of sewage flow. Example: ~~443~~ **141** gal/day x 365 days = ~~52,195~~ gal/year **51,465** gal/year = one unit.

Customer – shall be the owner of the property. For existing multi-family or non-residential customers with multiple meters the MTUD will continue as a courtesy to send the bills to the Tenant with a copy to the Owner. The Owner is responsible for payment of the bills. If the bill(s) are unpaid a lien will be placed on the property.

BOD shall mean the capacity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade.

Suspended Solids shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and those which are removable by laboratory filtration.

Chlorine Demand is the difference between the amount of chlorine applied to a treated supply and the amount of free combined or total available chlorine remaining at the end of the contract period.

GREASE: Grease is defined to include the accumulation of oils, fats, cellulose, starch, proteins, wax, or grease, whether emulsified or not, in the Sewer System of Utility Department. These are substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred-fifty (150 Fahrenheit) (0 degrees – 65 degrees Celsius).

GREASE GENERATING ESTABLISHMENTS: Grease generating establishments, shall mean all retail food establishments, catering establishments, commercial food preparation facilities, meat processing facilities, and other establishments that may be capable of accumulating and discharging grease into the Sewer System.

OWNER: Owner shall mean individual, person, firm, company, association, society, corporation, or group upon whose property the building or structure is located or will be constructed. In the event that one entity owns the building while another entity owns the property then the Owner is the latter of the two.

**SECTION B – ANNUAL SERVICE CHARGES**

Classification Minimum Annual Service Charge

1. Residential (as defined in Section A (1) above). \$259.00per unit
2. All users other than residential:
  - (a) For the first unit or portion thereof, a minimum annual service charge of \$259.00.
  - (b) For those users whose quarterly sewage flow exceeds ~~13,049~~ **12,866** gallons based on metered water consumption or actual sewage flow the rate shall be as follows:

| Quarterly usage<br>(#of Gallons)           |  | Rates                                 |
|--|--|---------------------------------------|
| <b>From:</b><br>0                          | <b>To:</b><br><del>13,049</del> <b>12,866</b> <<<gallons | \$64.75 per quarter                   |
|  | per qtr.   |                                       |
| <del>13,049</del> <b>12,866</b> <<<gallons | And over   | \$64.75 plus \$5.68 per 1,000 gallons |
| per qtr.                                   |  |                                       |

- (c) All water consumption readings shall be those obtained by the Utility Department from its own billing records where the Utility Department is supplying the water, or from the water company furnishing water to the respective units. If a customer obtains its water supply from a private well or an un-metered public water supply, then the user shall install a meter, location of which is to be approved by the Utility Department. In the event the user fails to install said meter after receiving notice from the Utility Department, then such installation shall be made by the Utility Department. In either case, the costs of the meter and the installation thereof shall be borne by the user. The meter shall be of the type approved by the Utility Department and may be purchased from the Utility Department. Prices of meters will be furnished upon request to the Utility Department.
- (d) In the event that estimated usage should prove to be inaccurate, the Utility Department reserves the right to recalculate prior Annual Service Charges with the difference charged to or credited to the user.
- (e) In the event a customer claims a substantial water use, the waste product of which does not pass into the sewer system, the customer shall have an option of specifically metering the waste usage which does not flow into the sewer system and the water so used shall be deducted from the total water usage in computing annual water consumption. All customers shall have the option of installing a sewer meter at the customer's cost and expense and in the event of such an installation, the readings on said sewer meter shall be substituted for the annual water consumption as set forth in subsection (b) hereof.
- (f) An industrial cost recovery surcharge shall be collected by the Utility Department for those users whose sewage characteristics exceed one or more of the following standards:
  1. Biochemical oxygen demand (BOD) greater than 200 parts per million (PPM).
  2. Suspended solids greater than 250 PPM.
  3. Chlorine demand in excess of 15 PPM.

For such users the industrial cost recovery surcharge shall be based on the Schedule of Rates charged by Middlesex County Utilities Authority plus a twenty-five percent administrative fee.

Where the industrial cost recovery surcharge is charged to another municipality, the charge shall be based on the Schedule of Rates charged by Middlesex County Utilities Authority plus a ten percent administrative fee.

The characteristics of the sewage waste shall be determined from actual samplings or other approved means, and shall be based upon analysis made in accordance with the procedure outlined in the latest edition of "Standard Methods of Analysis of Water and Sewage" published by the American Public Health Association. The Utility Department may require the installation of automatic samplers at the cost of the owner to obtain representative samples during a calendar quarter, or as may be required. The cost of sampling and analysis will be borne by the customer.

- (g) Control of Grease. No person shall discharge or cause to be discharged into the Sewer System, any water or waste containing more than one hundred (100) PPM by weight of fats, oils or grease.

In the event it is determined that blockage of an Utility Department sewer main is a result of the discharge from any grease generating establishment, all costs incurred by the Utility Department will be charged to the Owner of said grease generating establishment. Such costs can include but are not limited to, cost of clearing the blockage; damages to sewer lines; administrative, legal, and engineering costs; cleanup of pollution to surrounding soils or water; and reimbursement of any penalties imposed by regulatory agencies.

In addition to such other remedies as may be provided by law for violation of these regulations, the Utility Department may add such bacteria formulations to the Sewer System servicing grease generating establishments regulated herein. The Utility Department may charge the cost thereof as an additional sewer use charge to the Owner who is in violation of any provision of this regulation.

In the event of any violation of this regulation or of any improper unauthorized use of any portion of the sewer system by any owner, then the Owner shall in the discretion of the Director be penalized a maximum of Five Hundred (\$500.00) Dollars for each violation or improper unauthorized use. Each Day in which a violation or improper unauthorized use occurs, shall be deemed a separate offense. For purposes of this regulation, two (2) test readings showing more than 100 parts per million by weight of fats, oils or grease within a calendar month shall be deemed to be presumptive evidence of a violation occurring in each day of that calendar month.

#### **SECTION C – PAYMENT OF ANNUAL SERVICE CHARGES**

1. All sewer service charges are payable quarterly in advance.
2. All charges shall be payable on or before the due date of the bill. Any charges which are not paid by the due date will be charged a penalty of (1%) per month or fraction of a month, back to the billing date. Any partial payment of a bill will be applied first to interest charges, then to the oldest service charges.
3. If any account which remains unpaid after the due date will be sent a reminder. If any account is still unpaid at thirty (30) calendar days after the date due, a notice will be sent giving fifteen (15) calendar days to make payment or services will be discontinued. If payment is not received within fifteen (15) calendar days service will be shut off and a shut off fee of \$75.00 will be assessed to the account.
4. All penalties are due and payable within thirty (30) days from the date that the Owner is notified in writing of the violations charged and the penalty to be imposed. In the event the penalty is not paid as required under these rules, then the Utility Department in its discretion may take all actions available to it for the non-payment of sewer charges as provided in N.J.S.A. 40A:26A-12. For purposes of these regulations, the Owner shall be responsible for the actions of any tenant using the sewer system.

*The penalties imposed in this section shall be cumulative to other remedies afforded to the Utility Department by statute, as provided in N.J.S.A. 40A:26-14.*

**SECTION D – CONNECTION FEES AND CHARGES**

1. The initial fees for the right to connect directly or indirectly to the Utility Department sewer system shall include a connection charge or fee per unit, as well as fees for applications, review, and inspection of work to be accomplished by the applicant in keeping with the Utility Department’s “Rules and Regulations Governing Applications to the Monroe Township Utility Department for Construction of Comprehensive Sewer Systems in the Township of Monroe.” These connection fees, which are one-time initial service charges for the right to connect to the Utility Department’s sewer system, are calculated in accordance with N.J.S.A. 40A26A-11 and are an integral part of this Rate Schedule.
2. The connection fee for each unit shall be ~~\$3,022~~ **\$3,100**. Connection fees for single family homes not part of a real estate development are payable at the option of the applicant in two installments with the initial installment paid prior to the time of the connection and the second payment due within one year. Interest shall accrue and be due to the Utility Department at 1% per month on the unpaid balance. In the case where the system is under construction but not yet available for connection, connection fees can be paid at the option of the applicant in two (2) installments without interest.

In the case of real estate developers, the connection fees for any development of ten (10) or less units shall be payable at the time of final approval.

In any development of more than ten ( 10 ) units, connection fees for the first ten (10) units shall be payable at the time of final approval with the balance of connection fees payable in groups of ten (10) units at a time in advance of the building permit.

3. For a user other than residential with estimated sewage flows in excess of ~~443~~ **141** gallons per day the connection fee shall be based on the number of units as defined in Section A (2) above. Fractional number of units shall be calculated to the next highest unit.
4. Where a connection to the sewer system is to be made after construction of mains has been completed and sewer service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction and inspection from the main to the curb, such construction to be performed by an approved contractor and inspection by the MTUD
5. No connection to the Utility Department sewer system shall be made until compliance with the requirements set forth in this Section have been met, and no excavation shall be back-filled until inspection has been completed by the duly designated representative of the Utility Department.

**SECTION E – FILING, REVIEW AND INSPECTION FEES**

1. Where mains are to be constructed by anyone other than the Utility Department, the applicant shall make application and pay fees for the time of Utility Department personnel on an hourly basis to draw down against the deposit as listed below:
  - a) Application for Review of Preliminary Plans:  
Minor Subdivision Fee ..... ~~\$ 500.00~~ **\$600.00**  
  
Major Subdivision or Major Site Plan-Deposit ... ~~\$ 900.00 minimum~~ **\$1,000 minimum**  
or ~~\$25.00~~ **\$50** per unit whichever is greater.
  - b) Application for Tentative Approval:  
Review Fee – Deposit .....  
1-1/2 % of estimated construction cost or ~~\$450 minimum~~ **\$600.00 minimum**
  - c) Application for Final Approval:  
Review Fee – Deposit .....  
1-1/2 % of estimated construction cost
  - d) Inspection Fee – Deposit .....  
5% of estimated construction cost
  - e) Application for extensions of approval must be accompanied by a re-view fee deposit of ~~\$500.00~~ **\$600.00**. Application for revisions after submittal and initial review must be accompanied by a review fee deposit of ~~\$900.00~~ **\$1,000.00**.

- f) Request for USEPA grant waiver or mapping revision must be made by the Owner of the property. A ~~\$500.00~~ **\$600.00** processing fee made payable to MTUD must accompany the request.

If the deposit is depleted before completion of review or inspection, the applicant shall deposit an additional amount to complete the review or inspection as estimated by the Utility Department Engineer within five (5) days of notification or all review and inspection will cease at the end of five (5) days after notification.

Any review fees for Preliminary Minor Applications is a flat fee and no portion will be returned to the applicant upon approval by the Utility Department.

Minor applications include any residential application which does not require extension of water and or sewer facilities (including service connection in the street) and which will not connect more than three houses to the water/sewer system. All commercial/industrial applications are major applications; however, the Utility Department may charge the lower minor review fee to tenants in newly approved commercial buildings for individual tenant fit out.

Any deposit monies other than review fees for Preliminary Minor Application not used will be returned to the applicant upon request after the project is completed. The Utility Department will retain sufficient funds to conduct an inspection at the end of the maintenance period.

The amount charged by the Utility Department for review and/or inspection shall be calculated by the Utility Department on an annual basis after the adoption of the Utility Department's budget for the coming fiscal year, and shall be based on the hourly salary cost to the Utility Department plus the cost of fringe benefits payable to said individual and the cost of the overhead of the Utility Department allocable to that employee.

2. All persons wishing to connect to the sewer system are required to make application for connection under the terms of the preceding paragraph and pay the required fees as outlined in that paragraph.

2A. Each time there is a change in the owner or tenant of a non-residential unit, the owner shall file an application for approval.

#### **SECTION F – RATES CHARGED TO CUSTOMERS SERVICED BY OTHER ENTITIES**

Rates charged to customers who are serviced by other entities through contract between the Monroe Township Utility Department and that entity shall be at that rate which is set forth in the contract with the entity, plus a twenty-five percent administrative cost unless prohibited by the contract with the other entity.

#### **SECTION G- RESERVATION, RIGHT TO MODIFY**

The Township of Monroe reserve the rights to modify or change any of the foregoing rules or make such addition, by rules and regulation, as maybe found essential in the protection of the public interests and the management of the Department and to impose such additional restrictions as may be deemed necessary.

**If any of the above regulations is declared or held to be unconstitutional or legally inoperative, no other portion of this regulation shall be affected, but the unconstitutional or inoperative provision shall be rescinded and remaining provisions of this regulation shall remain in effect.**

#### **PART II – WATER SERVICE**

##### **SECTION A – DEFINITIONS:**

- A. "UNIT" shall be defined as follows:
1. Residential
    - a) Each single family dwelling
    - b) Each single family apartment dwelling in a multiple family structure or structures.
  2. Other than Residential: includes each tenant in a non-residential building, One Equivalent Dwelling Unit of potable water shall equal ~~489~~ **185** gallons per day of estimated water consumption or fraction thereof. In a building with more than one

tenant or occupant, each separate tenant or occupant shall be calculated separately.  
 Example: 189 185 gal/day x 365 days = 68,985 67,525 gal/year = one unit.

- IRRIGATION: One equivalent unit of water used for irrigation shall equal 476 496 gallons per day of water consumed or fraction thereof. Connection fees set forth in Section I shall be applicable.

**SECTION B – FIXED SERVICE CHARGES FOR WATER**

- All metered general water service users shall pay a fixed service charge based on the size of each connection installed, in addition to the charges for the quantity of water used, if any.

|     | Size of Connection  | Fixed Service Charge per Quarter |
|-----|---|----------------------------------|
| (A) | Residential:<br>5/8" or 3/4"                                      | \$13.28                          |
|     | 1"  | \$26.55                          |
|     | Multiple Dwelling   | \$13.28 per unit                 |
| (B) | Residential without electronic radio transmitter:<br>5/8" or 3/4" | \$38.28                          |
|     | 1"  | \$45.55                          |
|     | Multiple Dwelling   | \$38.28 per unit                 |
| (C) | Commercial<br>5/8: or 3/4"  | \$13.28                          |
|     | 1"  | \$26.55                          |
|     | 1 –1/2"   | \$39.80                          |
|     | 2"  | \$55.78                          |
|     | 3"  | \$94.84                          |
|     | 4"  | \$132.76                         |
|     | 6" and Over   | \$185.86                         |

**SECTION C – RATES FOR WATER CONSUMED**

- In addition to the fixed service charge set forth above, a charge will be made for all water used as registered by the meter.

|               | Gallons per Quarter | Rate per 1,000 Gallons |
|---------------|---------------------|------------------------|
| For the first | 10,000              | \$1.45                 |
| For the next  | 25,000              | \$2.47                 |
| For all over  | 35,000              | \$2.76                 |

**SECTION D**

**1. IRRIGATION CHARGES-POTABLE WATER**

Customers with a separate meter for irrigation connected to a potable water distribution main shall pay a fixed service charge based on the size of each connection installed, in addition to the charges for the quantity of water used, if any.

|  | Size of Connection | Fixed Service Charge per Quarter |
|--|--------------------|----------------------------------|
|  |                    |                                  |
|  | 3/4"               | \$13.28                          |
|  | 1"                 | \$26.55                          |
|  | 1 –1/2"            | \$39.80                          |
|  | 2"                 | \$55.78                          |
|  | 3"                 | \$94.84                          |
|  | 4"                 | \$132.76                         |
|  | 6" and Over        | \$185.86                         |
|  |                    |                                  |

**RATES FOR WATER USED**

In addition to the fixed service charge set forth above, a charge will be made for all water used as registered by the meter.

|               | Gallons per Quarter | Rate per 1,000 Gallons |
|---------------|---------------------|------------------------|
| For the first | 10,000              | \$1.45                 |
| For the next  | 25,000              | \$2.47                 |
| For all over  | 35,000              | \$2.76                 |

**2. IRRIGATION CHARGES-NON POTABLE WATER MAIN**

- a. Residential customers with a separate meter for irrigation, connected to a non-potable water main charges will be based only on the amount of water actually used. No fixed service charge and no connection fee. A rate of \$2.00 per 1,000 gallons will apply.
- b. Commercial customers with a separate meter for irrigation connected to a non-potable distribution main, charges will be based only on the amount of water actually used. No minimum service charge and no connection fee. A rate of \$2.73 per 1,000 gallons will apply.

In the event that any water meter shall become damaged or otherwise inoperable during any billing period, the bill for that billing period shall be based on an estimated use of water.

**SECTION E – PRIVATE FIRE PROTECTION SERVICE**

1. Annual stand-by water charges for sprinkler systems.

| Size of Connection<br>Inches   | Annual Charge |
|--------------------------------|---------------|
| Non-residential 2" or smaller* | \$168.56      |
| 3"                             | \$252.84      |
| 4"                             | \$337.12      |
| 6"                             | \$673.84      |
| 8"                             | \$1,348.48    |
| 10"                            | \$2,022.72    |
| 12"                            | \$2,675.00    |

Additional charge for each sprinkler head is \$1.00

\*non-residential only; there will be no stand-by charge for residential fire connections 2" and smaller

2. The annual charge for each hydrant and/or Siamese connection shall be \$275.00
3. No charge shall be made for water used in the extinguishing of fires. Water for any other purpose shall not be drawn from a private fire service connection.
4. Fire protection shall be provided by separate connection to the Utility Department mains.

**SECTION F – PUBLIC FIRE PROTECTION SERVICE**

1. The annual charge for each hydrant shall be \$275.00
2. No charge shall be made for water used in the extinguishing of fires.

**SECTION G – MISCELLANEOUS**

1. **Turn on and turn off fees**

A charge of \$75.00 shall be made for each turn-off or turn-on during regular working hours. Any turn-on or turn-off required outside regular working hours shall be charged at \$102.50 each unless both turn-on and turn-off are scheduled two days in advance no more than one hour apart. A minimum notice of seven (7) days for each turn-off and/or turn-on must be given to the Utility Department. Under no circumstances shall any person not authorized by the Utility Department open or close the curb stops or valves in any Utility Department water line.

## 2. Temporary Meters

The Utility Department reserves the right to install temporary meters during construction of any residential or commercial structure. The fee for installation of temporary meters shall be ~~\$266.00~~ **\$275.00**

## 3. Wet tap fees

Where the user requires connection to the water system after construction of mains has been completed and water service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction from the main to the curb, such construction to be performed by the Utility Department and/or an approved contractor. These costs shall be as follows:

When the tap is on the same side of the road as the service:

|        |                                      |
|--------|--------------------------------------|
| 3/4"   | <del>\$1,494.35</del> <b>\$1,500</b> |
| 1"     | <del>\$1,646.50</del> <b>\$1,650</b> |
| 1-1/2" | <del>\$2,637.32</del> <b>\$2,650</b> |
| 2"     | <del>\$3,089.05</del> <b>\$3,100</b> |

When the tap is on the opposite side of the road from the service:

|        |                                      |
|--------|--------------------------------------|
| 3/4"   | <del>\$1,743.35</del> <b>\$1,750</b> |
| 1"     | <del>\$1,941.00</del> <b>\$1,950</b> |
| 1-1/2" | <del>\$2,952.82</del> <b>\$2,950</b> |
| 2"     | <del>\$3,623.55</del> <b>\$3,650</b> |

The above fees are based on a 4 hours timeframe. If project goes over 4 hours then hourly rate of ~~\$223.00~~ **\$225.00** is applied. These fees includes meter pit and installation costs.

It is the applicant's responsibility to secure necessary road opening permit, to excavate, backfill and restore the excavated area according to MTUD Rules and Regulations.

## 4. Hydrant Meter Rental

The use of water for building purposes, irrigation, or other construction, shall be metered at a hydrant to be determined by the Utility Department. At the time of application, the user shall pay submit a deposit for the meter as follows:

|            |                                       |
|------------|---------------------------------------|
| 3/4" Meter | <del>\$363.28</del> <b>\$500.00</b>   |
| 3"         | <del>\$871.86</del> <b>\$1,500.00</b> |

In addition, there shall be a rental charge for the hydrant meter of \$43.60 per month or part thereof, payable monthly in advance. Each meter holder, by the 5<sup>th</sup> day of each month shall return the meter to the Utility Department for them to read. If the meter holder fails to provide a meter by the date specified then the meter will be confiscated and the deposit will be forfeited. The charge for water usage will be made on the basis of Section C hereof. The application for such water services shall be made by the owner of the property on which said water is to be used. The Utility Department shall have its statutory lien on such property for the collection of said charges.

## 5. Tampering, Illegal Connections & Theft of Services

In any case, where a water meter of the Monroe Township Utility Department has been adjusted, damaged, or tampered with, the customer on whose premises said meter is located shall be charged a cost recovery charge of ~~\$266.00~~ **\$275.00**, which shall be billed as part of his regular billing on the next regular billing date after said adjusting, tampering or damage shall have been discovered. Any person found tampering or unauthorized use of water by way of using of fitting known as "Jumper", "Spacer" or "Spreader" shall be billed a recovery charge plus water usage charge to be determined by the Utility Department

## 6. Meter, Removal, Testing & Certification charges

If at the request of the customer, a meter is removed and bench tested and it is found to be accurate then the customer shall pay the cost of such testing as stated below. A deposit equal to test fee is required before any testing can be done. If the meter meets the utilities' standards, the deposit is used to cover the cost of testing. No charge if meter tests outside

these standards, the deposit is returned to the customer.

| Size of Meter | Test Fee |
|---------------|----------|
| 5/8 to 1 inch | \$150.00 |
| 1 ½           | \$250.00 |
| 2" and up     | \$350.00 |

- When the Utility Department performs a bacteriological test on new water lines, there shall be a fee of \$100.00 per test, payable in advance.

**8. Winterization Fees**

The work should be done by a licensed plumber bonded with the MTUD. It is the responsibility of the customer/homeowner to protect the meter from freezing during cold and freezing weather. Fees for repairs due to damage resulting from freezing meters are the responsibility of the customer/homeowner. There will be a non-refundable fee as follows:

| Size (inches) | Fee     |
|---------------|---------|
| Up to 1       | \$10.00 |

**Note:** Call MTUD or visit our website for a current list of MTUD qualified (bonded) plumbers.

**9. Returned Check Fee \$20.00**

**10. Access to the premises.**

Upon presentation of badge or credentials, the authorized MTUD employee shall be granted access to the meter at reasonable hours of the day to inspect the meter and perform other duties as may deem necessary. Any person, who may obstruct or oppose the Utility Department in making such inspection or other work relative to the water service, shall bear the cost of having a meter pit installed. If the cost of the installation remains unpaid, the Utility Department shall have its statutory lien on the property for the collection of said charges.

**SECTION H – PAYMENT**

- All water fixed service charges are payable quarterly in advance and water usage charges shall be billed in the next quarter.
- All charges shall be payable on or before the due date of the bill. Any charges which are not paid by the due date will be charged a penalty of one percent (1%) per month or fraction of a month, back to the billing date. Any partial payment of a bill will be applied first to interest charges, then to the oldest service charges.
- If any account which remains unpaid after the due date will be sent a reminder; if any account is still unpaid at thirty (30) calendar days after the due date, a notice will be sent giving fifteen (15) calendar days to make payment or services will be discontinued. If payment is not received within fifteen (15) calendar days water service will be discontinued and a shut off fee of \$75.00 will be assessed to the account.
- All penalties are due and payable within thirty (30) days from the date that the Owner is notified in writing of the violations charged and the penalty to be imposed. In the event the penalty is not paid as required under these rules, then the Utility Department in its discretion may take all actions available to it for the non-payment of sewer charges as provided in N.J.S.A 40A:31-12. For purposes of these regulations, the Owner shall be responsible for the actions of any tenant using the sewer system.

The penalties imposed in this section shall be cumulative to other remedies afforded to the Utility Department by statute, as provided in N.J.S.A. 40A:13-14.

**SECTION I – CONNECTION FEES AND CHARGES**

- The initial fees for the right to connect directly or indirectly to the Utility Department's water system shall include a connection charge or fee as well as fees for application review and inspection of work to be accomplished by the applicant in keeping with the

requirements of the Utility Department's Rules and Regulations. These connection fees, which are one-time initial service charges for the right to connect to the Utility Department's water system, are calculated in accordance with NJSA 40: 31-11 and are an integral part of this Rate Schedule.

2. The potable water connection fee for each unit shall be ~~\$3,322.00~~ **\$3,324.00** and the irrigation connection fee shall be \$0.00. Connection fees for single family homes not part of a real estate development are payable at the option of the applicant in two (2) installments with the initial installation paid prior to the time of the connection and the second payment due within one year. Interest shall accrue and be due to the Utility Department at 1% per month on the unpaid balance. In case the system is under construction but not yet available for connection, connection fees can be paid at the option of the applicant in two (2) installments without interest. In the case of real estate developers, the connection fees for the development shall be payable at the time of final approval.

In any development of more than ten (10) units, connection fees for the first ten (10) units shall be payable at the time of final approval with the balance of connection fees payable in groups of ten (10) units at a time in advance of the building permit.

3. For a user other than residential with estimated potable water consumption in excess of ~~489~~ **185** gallons per day and/or ~~476~~ **496** gallons per day for irrigation, then the connection fee shall be based on the number of units as defined in Section A (2) above. Fractional number of units shall be calculated to the next highest unit.
4. The Utility Department reserves the right to examine plans for all connections and to specify the connection size required. The gallonage used to determine the size of the connection shall be based on estimated annual water consumption as calculated by the applicant's engineer and approved by the Utility Department Engineer.
5. Where a connection to the water system is to be made after construction of mains has been completed and water service is available to the user, then in addition to the connection fee, the applicant shall pay for the cost of construction and inspection from the main to the curb, such construction to be performed by an approved contractor and inspection by the MTUD.
6. No connection into the Utility Department's water system shall be made until compliance with the requirements set forth in this Section have been met, and no excavation shall be back-filled until inspection has been completed by the duly designated representative of the Utility Department.

#### **SECTION J – FILING, REVIEW, AND INSPECTION FEES**

Where mains are to be constructed by anyone other than the Utility Department the application shall make application and pay fees for the time of Utility Department personnel on an hourly basis down against the deposit as listed below:

- a) Application for Review of Preliminary Plans:  
Minor Subdivision Fee ..... ~~\$500.00~~ **\$600.00**  
  
Major Subdivision or Major Site Plan-Deposit .... ~~\$900.00~~ **\$1,000.00** minimum  
or \$ ~~\$25.00~~ **\$50.00** per unit whichever is greater.
- b) Application for Tentative Approval:  
Review Fee – Deposit .....  
1-1/2 % of estimated construction cost or ~~\$450~~ **\$600.00** minimum.
- c) Application for Final Approval:  
  
Review Fee – Deposit .....  
1-1/2 % of estimated construction cost  
  
Inspection Fee – Deposit .....  
5% of estimated construction cost

Applications for extensions of approval must be accompanied by a review fee deposit of ~~\$500.00~~ **\$600.00**. Application for revisions after submittal and initial review must be accompanied by a review fee deposit of ~~\$900.00~~ **\$1,000.00**.

If the deposit is depleted before completion of review or inspection, the applicant shall deposit an additional amount to complete the review or inspection as estimated by the Utility Department Engineer within five (5) days of notification or all review and inspection will cease at the end of the allotted five (5) days.

Any review fees for Preliminary Minor Applications is a flat fee and no portion will be returned to the applicant upon approval by the Utility Department.

Minor applications include any residential application which does not require extension of water and or sewer facilities (including service connection in the street) and which will not connect more than three houses to the water/sewer system. All commercial/industrial applications are major applications; however, the Utility Department may charge the lower minor review fee to tenants in newly approved commercial buildings for individual tenant fit out.

Any deposit monies other than review fees for Preliminary Minor Application not used will be returned to the applicant upon request after the project is completed. The Utility Department will retain sufficient funds to conduct an inspection at the end of the maintenance period.

The amount charged by the Utility Department for review and/or inspection shall be calculated by the Utility Department's Auditor on an annual basis after the adoption of the Utility Department's budget for the upcoming fiscal year, and shall be based on the hourly salary cost to the Utility Department plus the cost of fringe benefits payable to said individual and the cost of the overhead of the Utility Department allocable to that employee.

#### **SECTION K – RATES CHARGED TO CUSTOMERS SERVICED BY OTHER ENTITIES**

Rates charged to customers who are serviced by other entities through contract between the Monroe Township Utility Department and that entity shall be at that rate which is set forth in the contract with the entity, plus a twenty-five percent administrative cost.

#### **SECTION L - RESERVATION, RIGHT TO MODIFY**

The Township of Monroe reserve the rights to modify or change any of the foregoing rules or make such addition, by rules and regulation, as maybe found essential in the protection of the public interests and the management of the Department and to impose such additional restrictions as may be deemed necessary.

**If any of the above regulations is declared or held to be unconstitutional or legally inoperative, no other portion of this regulation shall be affected, but the unconstitutional or inoperative provision shall be rescinded and remaining provisions of this regulation shall remain in effect.**

**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 twenty (20) days after passage, adoption and publication according to law.

**SO ORDAINED**, as aforesaid.

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

Councilman Leibowitz asked how many times a year we have to do a Chapter 39 Ordinance and Council President Tamburro replied normally once a year.

There was no Public discussion of this Ordinance.

As Councilman Leibowitz 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 CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "FEES"**.

|            |                                      |     |
|------------|--------------------------------------|-----|
| 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-6-2015-009

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage: **BOND ORDINANCE PROVIDING FOR VARIOUS 2015 CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$5,895,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,611,700 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 the Ordinance duly filed.

**UPON MOTION** made by Councilwoman Schneider and seconded by Council Vice President Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage: **BOND ORDINANCE PROVIDING FOR VARIOUS 2015 WATER AND SEWER UTILITY IMPROVEMENTS BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$5,275,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF \$5,275,000 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 the Ordinance duly filed.

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

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

Councilman Leibowitz asked for details on Resolution No. R-6-2015-125

Administrator Hamilton explained that this is a \$10,900.00 program that we are getting through the N.J. Clean Energy Program. They will come in and conduct an energy audit of the municipal building, library and the community center. There is no cost to the municipality.

Council Vice-President Koppel questioned the award of bid for the emergency generator at the Senior Center, asking what steps now need to be taken to move forward.

Engineer Rasimowicz responded that we are awarding it tonight and will be going through the contracts and getting all the contract documents in order and then we will be looking to start right away. There is a lead time on the generator and once we meet with the contractor we will know better as far as what that lead time is, possibly 8-12 weeks.

Council President Tamburro asked if it will be operating prior to the winter months and Engineer Rasimowicz responded "yes".

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

- R-6-2015-125**      **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE CONCORD ENGINEERING GROUP TO CONDUCT AN ENERGY AUDIT FOR THE MUNICIPAL BUILDING, LIBRARY AND COMMUNITY CENTER.**
- R-6-2015-126**      **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW ACCOUNT.** (Maintenance of trees at the Memorial Park on Prospect Plains Road)
- R-6-2015-127**      **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW ACCOUNT.** (Maintenance of the Monroe Oak located at the corner of Prospect Plains and Applegarth Road)
- R-6-2015-128**      **RESOLUTION AUTHORIZING THE DEDICATION OF THE MONROE TOWNSHIP SOFTBALL FIELD #3 AT THE THOMAS L. ALLEN SOFTBALL COMPLEX IN MEMORY OF ELLEN SCARPARI.**
- R-6-2015-129**      **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)**  
(Clean Communities Program Grant - \$92,182.10)
- R-6-2015-130**      **RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENT.**
- R-6-2015-131**      **RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF MONROE AND CROSS RIVER FIBER, LLC FOR USE OF THE TOWNSHIP'S PUBLIC RIGHTS-OF-WAY FOR TELECOMMUNICATION SERVICES.**
- R-6-2015-132**      **RESOLUTION REFUNDING A DUPLICATE CONSTRUCTION PERMIT FEE.**
- R-6-2015-133**      **RESOLUTION APPOINTING A DEPUTY REGISTRAR OF VITAL STATISTICS.** (Christine Robbins to fill the unexpired three (3) year term of Elaine Slabinski, said term ending on 12/31/2017)
- R-6-2015-134**      **RESOLUTION PROVIDING ADVICE AND CONSENT TO THE APPOINTMENT OF MEMBER TO THE OPEN SPACE AND FARMLAND PRESERVATION COMMISSION.** (Lori Zimmerman)
- R-6-2015-135**      **RESOLUTION AUTHORIZING THE SUBORDINATION OF AFFORDABLE HOUSING LIEN.**
- R-6-2015-136**      **RESOLUTION AUTHORIZING AN AFFORDABLE HOUSING HOMEOWNERSHIP ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT.**
- R-6-2015-137**      **RESOLUTION AUTHORIZING THE EXTENSION OF CONTRACT NO. 427 "PATCH PAVING AND CONCRETE REPAIR" WITH P.A. CONTRACTORS, INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D").**
- R-6-2015-138**      **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)** (Bulletproof Vest Partnership Program Grant - \$6,375.91)
- R-6-2015-139**      **RESOLUTION REFUNDING TAX OVERPAYMENTS.**
- R-6-2015-140**      **RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 431 – "WELL MAINTENANCE AND REPAIR SERVICES" TO A. C. SCHULTES COMPANY FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D").**

- R-6-2015-141 RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 441 – “ION EXCHANGE SYSTEM REPAIR AND MAINTENANCE” TO LAYNE CHRISTENSEN CO. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-6-2015-142 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO ACCELA LEGISLATIVE MANAGEMENT.
- R-6-2015-143 RESOLUTION AUTHORIZING ADDITIONAL 90-DAYS OF EXTENDED SICK LEAVE.
- R-6-2015-144 RESOLUTION AUTHORIZING AWARD OF BID FOR AN EMERGENCY GENERATOR AT THE MONROE TOWNSHIP SENIOR CENTER.
- R-6-2015-145 RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS MATTERS OF OPEN SPACE CONDEMNATION AS EXTRAORDINARY LITIGATION.
- R-6-2015-146 RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN.

Copies of Resolutions Duly Filed.

**UPON MOTION** made by Councilman Dalina and seconded by Council Vice President Koppel, the following entitled Resolution was moved for adoption: **RESOLUTION AUTHORIZING CLOSED PORTION OF PUBLIC MEETING.**

|            |                                      |     |
|------------|--------------------------------------|-----|
| 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 |

The Township Clerk, Sharon Doerfler, read the following the following entitled Resolution into the record: **RESOLUTION AUTHORIZING CLOSED PORTION OF PUBLIC MEETING.**  
The time being 8:18 p.m.

The Regular Council Meeting reconvened at 8:58 p.m.

**REPORTS:**

**Mayor Pucci** – No Report

**Administrator Hamilton** – No Report

**Engineer Rasimowicz** – No Report

**Council Reports:**

**Councilman Michael Leibowitz** – No Report

**Councilman Stephen Dalina** – No Report

**Councilwoman Schneider** – Attended Armed Forces Appreciation Day at the Monroe Township High School where they honored all branches of the military. Beautiful ceremony and found it very nice how they combined the Monroe Twp. Senior Choir and the Monroe Twp. High School Choir. Attended the Interfaith Memorial Day Prayer at Rossmoor honoring our soldiers. Also went to New Brunswick Courthouse where the Monroe Township High School Middlesex County Mock Trial Championship Team was honored and it was very nice to see them honored again tonight by Monroe. Attended a retirement brunch for Elaine Slabinski who retired from the Clerk’s Office. Found her to be a very nice lady and she will be missed. Took a tour of the State Home for Boys. These are young men who have been in and out of foster care, never having had a warm, loving family. The school is trying to give them some kind of family unit and to also teach them a trade. Attended the Senior Awards night at the Monroe Twp. High School and it was a pleasure and honor to be able to give out the awards.

**Council Vice-President Koppel** – Community Garden on Applegarth Rd. is now open. Many people have already started planting. There will be more plots available next year. On July 9th the Cultural Arts Commission is starting it’s free summer concert series at Thompson Park from 6-8 p.m. which will continue for 7 weeks.

**Council President Tamburro** – asked for an update on Perrineville Road from Engineer Mark Rasimowicz.

Engineer Rasimowicz stated Middlesex County will be starting a project in the coming weeks on Perrineville Rd. south of Federal Road. The roadway will be closed for approximately 6 months. Advanced warning signs have been installed by the County.

**PUBLIC:**

**Kathleen Donise – 14 Hoffman Road** – Handed out pictures in reference to Love's Tree Service located at the corner of Hoffman Rd & Route 522, stating it's out of control and shouldn't be there. The zoning is rural residential/farmland preservation. He has a huge mulching company there. Overweight, overloaded Loves Tree Service vehicles travel fast down Hoffman Road every day. Signs are posted on both ends of Hoffman Road regarding the 4 ton weight limit. Tractor trailers for the tree service always travel this road and they shouldn't be on this road. The speed limit is 35 mph; there are no sidewalks and we have to walk across the street to get our mail. It's bad enough with cars and now we have to deal with these trucks. The look and sounds of our neighborhood has changed. It went from beautiful sounds of nature to sounds of constant heavy industrial equipment. Wood chippers run 6-7 days a week from 6:30 am – 7 pm, 8 pm or into the dark. The beautiful smells of the neighborhood have changed into a bitter, pungent, oily scent of a poisonous chemical. There are multi-colored dilapidated old tarps hung over old fences to hide the tree services operations and a cemetery where a purple heart Vietnam veteran is buried backs up to Loves property. VFW Post 262 visited the cemetery on Hoffman Road and said it was a disgrace. Our real estate values have plummeted. In short our neighborhood has turned into a dump because of Loves Tree Service.

Administrator Hamilton stated he spoke to Sal Profaci, the Zoning Officer and he's been in touch with our attorney's office and they are currently looking at the whole issue of the use.

John Riggs, the Township Planning Administrator states it's supposedly a pre-existing non-conforming use. We sent the information from the neighbors, asking for proof that it was pre-existing.

Council President Tamburro stated he feels we have a real issue with the trucks and maybe we can get some law enforcement out there to enforce the weight limit on that road.

Mrs. Donise gave permission for law enforcement to park on her property.

**Andrea Cowart – 7 Hoffman Road** – Handed out pictures in reference to Love's Tree Service, stating she lives directly next door to Loves. She stated she is here to express how this business has had a negative impact on her quality of life and her concern for her family and community. She purchased her home located on Hoffman Road, which is zoned Rural Residential/Farmland Preservation, on August 4, 2009. At the time of her purchase Love's was operating and the scope of their business included tree cutting and transporting the fallen trees to the property located at 599 Buckelew Avenue. During the summer of 2011, Love's acquired a large chipping and mulching machine and soon thereafter began chipping and mulching on a seven day a week schedule, beginning at 7am and running sometimes until 8:30 - 9 pm. This intrusive and constant noise and accompanying strong and offensive odor has been their nightmare for the past four years. This odor is so intense and obtrusive that it permeates through closed windows. She stated there are numerous days where her house smells like burnt firewood. On a beautiful day like today, she can't even open the windows. Beginning in March 2014 herself and other neighbors contacted the Township Zoning Office and have spoken with Sal Profaci, the Zoning Officer and the Director, John Riggs, who advised her to keep doing what she was doing and just patted her on the back. In addition, as a result of an unfair tax reassessment, her taxes have increased as her property value has steadily declined as a result of the noticeable intensification of that business. She stated that in the pictures she has provided, you can see a definite change to the area. The N.J. Dept. of Environmental Protection, N.J. Dept. of Consumer Affairs and the Attorney General's Office have also been contacted and their answer was that this is a municipal issue and zoning ordinances are enforced by the township zoning office. Her question is why hasn't this happened yet? The earliest documentation was 1962; their home was not built until 1979, so she didn't even understand how we get a grandfather clause or how that even applies to them if the home was built following the passing of the ordinance. She has three children, all of whom are asthmatic. The air quality is poor to fair when Love's Tree Removal is operating. Her air conditioning runs constantly. She is also a transplant recipient, a cancer survivor and a tax payer and at the end of the day she stated she just wants to enjoy the peace and tranquility of her home. In conclusion, she stated she is requesting that this Council investigate this matter and act in the best interest of the residents of Hoffman Road and this township by enforcing the long standing zoning ordinance of rural residential/farmland preservation.

**Anthony Donise – 14 Hoffman Road** – Also had pictures of what he was sure is inappropriate fill. One picture shows the original fence and right behind it is Love's property with 16 feet full of wood and cut trees, believing it to be illegal fill. Stated their road floods on the end because of the water used to run down along Loves house and the street and he filled it all in. Because of the zoning of this property, the business should not be allowed and we shouldn't have to be dealing with this. He stated the Love family lives on 3 acres in East Brunswick so let him put his business over there. One of the attorneys they are dealing with states that they are not allowed to be operating on two different lots even though they own both lots. One lot is 1.9 acres; the other lot is 1.4 acres. This business has become immense. We have trucks coming in from other tree companies dumping stuff in there that he's processing and we're told it's a landscaping operation. Now, if you're taking one product and adding chemicals to it, staining it and then selling it as something else, that's manufacturing. He indicated that they can see in the last picture he gave the Council, all the chemical tanks that are on the ground of the property. It is his understand that in the State of N.J. you can no longer use liquid dye; you can only use powder dye and would like the town to find out what is in those tanks.

Council President Tamburro asked John Riggs what the issues are with the DEP and where do they stand with this.

John Riggs replied that Sal Profaci, the Zoning Officer, asked for a stronger ordinance regarding mulching and we haven't accomplished that yet but that DEP basically worries about how high the pile is and what they're doing with it so there are no fires. They don't care what our zoning ordinances are; that's up to us, but we don't have any enforceable regulation other than the overlying zoning and that we can only enforce once we prove it's not a pre-existing non-conforming use. That's the action that we are currently involved in.

Administrator Hamilton responded that surely the hours of operation and noise are enforceable and John Riggs stated yes they are, but wasn't aware that wasn't being done.

Attorney Shain stated he recently received a letter from Walter Toto, Mr. Donise's lawyer, detailing everything Mr. Donise has been stating and we are in the process of determining if this is a lawful use or not, and if we determine it's a violation, we will move on it immediately.

Council President Tamburro stated that the one thing we can immediately address is the size of the trucks, the speed limit and the hours of operation. That will curtail something quickly. If the use is not proved to be pre-existing, then it has to conform to what the zone is, which is rural-residential.

**Lori Lear – 10 Hoffman Road** - Brought to the Council's attention the drainage problems that have been created on Hoffman Rd. due to this operation. The property has been built up on the Hoffman side of the road, which is near the intersection of 522, so every time it rains the road does not drain as it was originally intended to do. In order to get out onto Route 522 you must get on the other side of the Road because the water is so deep. Any one coming off of Route 522 who is doing 50mph doesn't expect someone to be there so someone is going to get seriously hurt or killed there. He stated he lives pretty much across the street from Andrea (7 Hoffman Rd), next to the Cemetery. Someone is definitely going to get killed here. This is not a new issue; this road has been like this forever. So anyone going down this road, Township trucks, Police cars, elected officials, etc., someone has to see this and everyone is turning a blind eye to the problem. We chose this area because we wanted nice country living. As we said, there is no opening your windows; your house stinks like a fireplace continuously, whether you run your air or not. He stated his 3,000 sq. ft. entire house stinks. If he's on the telephone he can't even hear who he's speaking to because the machines are running day and night. No opening of windows and sitting outside is a complete joke; you can't even hear each other across a picnic table. He cannot even enjoy his acres of property. He feels he pays all these taxes and their home values have gone down and it's completely unacceptable. Someone needs to step in and do something. He stated that while he sat through the beginning of the meeting, Judge Rockoff said that Monroe Twp. is the best place to live, but apparently he does not live on Hoffman Rd. He also spoke about our Heroes, saying that his Dad was a Korean War Veteran, his Grandfather was a WW II veteran and his Uncle was in Vietnam. This gentlemen, Robert Rogleman, is buried in the Cemetery at the Hoffman Hill Cemetery; he's a Vietnam Veteran, Purple Heart recipient and there is so much sludge and everything else coming over the fence, under the fence, and has encroached all over his grave. It is a complete disgrace. He knows that these gentlemen are rolling over in their graves over this horrible situation. He stated the other issue, in speaking with the other neighbors on the street, is the fear of retribution from Mr. Love, so they don't even want to come and speak. They are not nice people. Everyone needs to stand up and take notice.

**John Swiat – 30 Hoffman Road** – He advised he came here this evening to support his neighbors on Hoffman Road, but honestly does not know why it has come to this and does not know why they had to hire a lawyer to get the town to start to move forward with this problem, and even then, the townships officials, whose job it is to help us in this matter, still after a month, has not done anything. He stated they are all just curious to understand why their complaints are being ignored and a disgustingly messy and loud illegal business is being allowed to continue uninhibited. He advised he brought a short video with him to the meeting this evening so everyone can look and listen to what he and his neighbors are talking about.

Mr. Swiat played the video of the loud noise made by the tree chipping/grinding/mulching operation and the high piles of mulch the residents on Hoffman Rd. have to endure each day.

He apologized to everyone that they had to listen to that but said that doesn't even do it justice. He stated he lives a quarter mile away and on days when his windows are closed and the air conditioning units are on, he still hears it. When trees are grinded, the sound rattles through the whole house. To reiterate on the vehicles, he could understand if someone had to use the road once in a while and didn't see the sign, but just in the past month, you see the pictures from my security camera's facing the road, over 30 times their trucks go up and down the road carrying mulch and various equipment. The mulch alone, when one of those tractor trailer loads are full, adds to about 21 tons and the limits are 4 ton and the truck itself is another 20 tons, so 40 tons on a road like that, that's small, narrow and old, eventually something wrong is going to happen.

**Virginia McGinnis – 326A Nantucket** – Listening to everyone tonight I have a big concern with the drainage and the chemicals. I think the chemicals should be looked into ASAP because these people's lives may be in danger, especially if it's not draining properly.

Council President Tamburro stated we will look into that but believes there are also some County regulations.

**Virginia McGinnis** - Questioned the Resolution re: extended additional sick leave.

Administrator Hamilton explained that in lieu of short term disability, the town affords our employees an additional 90 days of extended sick leave in the event of an illness and only with the permission of the governing body for an additional 90 days.

**Kathleen Donise – 14 Hoffman Road** – Stated this issue concerning the graveyard and all the tarps; it's not so much about the historical society as it is about the township. Tell them to clean up the tarps. We've had a woman on the road, her grass was overgrown and the township came out and made sure the grass was cut down. I think this is a lot worse.

Council President Tamburro stated he believes one of the Veterans groups, after Memorial Day, sent an email to him and we are looking at it through the historical society but we are going to take action within our jurisdiction.

Administrator Hamilton stated he can assure her that this issue obviously is an issue that involves more than just planning and zoning. It involves the law dept., police dept. and may even involve engineering. That's where he comes in, to coordinate all of that and assured her he will be doing just that.

**Paul Donise – 10 Hoffman Road** – Stated this is a commercial business in a residential area. Looking at the aerial pictures, that's someone's backyard in a residential area? It just gets bigger and bigger. I've been there since 1982 and there was nothing there and now look at it; a pile bigger than this building of mulch and nobody is doing anything about it. Commercial business in a residential area that's all this is about!

**Walter Mychalchyk – 9 Hoffman Road** – Wanted to know why it went so far that they had to hire a lawyer to get something done about this. He stated this is illegal and the town certainly knew about it because he had spoken to Mr. Riggs and Mr. Profaci.

Council President Tamburro stated he didn't know about this and this is the first time the Council is hearing about this at the Council level and those things that the township has control over will be addressed as quickly as possible. The other issues that have to go through the legal department or environmental we will work through as quickly as we can once we get through the process. He stated he doesn't know why it's taken this long but promise the issue will be looked into and action will be taken wherever we have jurisdiction.

**Eileen Donnelly - 590 Buckelew Avenue** – Stated she lives directly across from this property and it affects them on the Buckelew side also. They are unable to open their windows or sit outside. It starts at 7:00 in the morning and doesn't end till evening and it continues through the weekend at those same hours. She stated their standard of living has decreased and are constantly putting the air conditioner on and are unable to enjoy the outside when you have beautiful weather. She knows the neighbors close to her were afraid to come this evening because of retribution. They've had difficulties with the property owners in the past and believe everyone in that general area has the same opinion and feelings.

**UPON MOTION** made by Councilman Dalina, and seconded by Councilwoman Schneider the meeting was adjourned at 9:45pm.

|            |                                      |     |
|------------|--------------------------------------|-----|
| 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 |

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SHARON DOERFLER, Township Clerk

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GERALD W. TAMBURRO, Council President

Minutes were adopted on August 3, 2015