

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
SPECIAL & AGENDA MEETING – DECEMBER 28, 2015

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

The Regular Meeting was called to Order at 7:00 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag.

UPON ROLL CALL by 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: Business Administrator Wayne R. Hamilton, Township Attorney Joel L. Shain, Engineer Mark Rasimowicz and Deputy Clerk Patricia Reid.

ABSENT: Mayor Richard Pucci

There were approximately ten (10) 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 December 16, 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** on December 21, 2015 and **CRANBURY PRESS** on December 25, 2015;
3. Posted on the Bulletin Boards within the Municipal Complex;
4. Posted on the Monroe Township website; and
5. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

Council President Tamburro announced the Special Meeting is being Called to Order for the purpose of addressing the payment of year-end Claims, conducting Public Hearings on seven (7) Second Reading Ordinances for final adoption, Consideration of various Resolutions and any other business that may come before the Council. The regularly scheduled Agenda Meeting will immediately follow.

The following **PROCLAMATION** of Mayor Richard Pucci was read into the record:

DRIVE SOBER OR GET PULLED OVER
2015 Year End Holiday Crackdown

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz the **CLAIMS** per run date of **12/21/15** were approved for payment as presented.

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| 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 Councilwoman Schneider, the **MINUTES** of the **October 5, 2015 Regular Meeting, October 26, 2015 Agenda Meeting and November 4, 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 Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **"REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING REVENUE BONDS (2003 REFUNDING SERIES) AND REVENUE BONDS (2005 REFUNDING SERIES) OF THE TOWNSHIP TO PROVIDE NET DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THERFOR"**

ORDINANCE as follows (O-12-2015-023)

WHEREAS, pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., as amended and supplemented (the "Municipal and County Utilities Authorities Law") The Monroe Township Municipal Utilities Authority, in the County of Middlesex (the "Authority"), State of New Jersey (the "State") had previously issued (i) \$6,370,000 aggregate principal amount of Revenue Bonds (2003 Refunding Series) (the "2003 Bonds") dated February 1, 2003 and (ii) \$8,910,000 aggregate principal amount of Revenue Bonds (2005 Refunding Series) (the "2005 Bonds" and together with the 2003 Bonds, the "Issued Bonds") dated September 29, 2005; and

WHEREAS, the Township of Monroe, in the County of Middlesex, State of New Jersey (the "Township") legally dissolved the Authority by ordinance adopted January 5, 2009, in accordance with the provisions of N.J.S.A. 40A:5A-20 and the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and, *inter alia*, assumed all existing bonded indebtedness of the dissolved Authority, including the Issued Bonds; and

WHEREAS, a \$400,000 outstanding principal amount of the 2003 Bonds maturing on February 1 in the years 2016 through 2017, inclusive (the "2003 Refunded Bonds") are currently subject to redemption, either in whole or in part on any date, prior to their stated maturity, at a redemption price equal to 100% of their principal amount; and

WHEREAS, a \$7,030,000 outstanding principal amount of the 2005 Bonds maturing on February 1 in the years 2016 through 2024, inclusive and on February 1, 2026 (the "2005 Refunded Bonds" and together with the 2003 Refunded Bonds, the "Refunded Bonds") are subject to redemption, either in whole or in part on any date on or after February 1, 2016, prior to their stated maturity, at a redemption price equal to 100% of their principal amount; and

WHEREAS, the Township Council desires to refund all or a portion of the Refunded Bonds through the issuance of one or more series of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$8,000,000 (the "Refunding Bonds"); and

WHEREAS, the Township Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of one or more series of Refunding Bonds in an aggregate principal amount not exceeding \$8,000,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

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. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the Township is hereby authorized to issue one or more series of Refunding Bonds in an aggregate principal amount not to exceed \$8,000,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall

be designated as "General Obligation Water-Sewer Utility Refunding Bonds" with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve net debt service savings (*net of all refinancing costs*) by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$200,000, may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the Township ("net" meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least three percent (3%) of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within ten (10) days of the date of the closing on the Refunding Bonds, the Township Chief Financial Officer shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds' debt service and the Refunded Bonds' debt service, which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds; and (d) a certification of the Township Chief Financial Officer that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met, and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant to the applicable provisions of the Local Bond Law, was approved by a two-thirds vote of the full membership of the Township Council.

SECTION 6. A certified copy of this Refunding Bond Ordinance, as introduced, has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 7. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Township Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 8. This bond ordinance shall take effect and twenty (20) days after the first publication thereof after final adoption, and approval by the Mayor.

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

There was no Public or Council discussion of this Ordinance.

As Councilman Dalina and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **"REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING REVENUE BONDS (2003 REFUNDING SERIES) AND REVENUE BONDS (2005 REFUNDING SERIES) OF THE TOWNSHIP TO PROVIDE NET DEBT SERVICE SAVINGS, AND (iii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR"**

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 Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **“REAPPROPRIATION ORDINANCE PROVIDING FOR THE ACQUISITION OF WATER ALLOCATION RIGHTS AND IMPROVEMENTS TO WELL 25, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “TOWNSHIP”); REAPPROPRIATING EXCESS PROCEEDS IN THE AMOUNT OF \$5,800,000 IN EXISTING TOWNSHIP BOND ORDINANCES TO FINANCE THE COST THEREOF”**

ORDINANCE as follows (O-12-2015-024)

WHEREAS, the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey (the “Township”), finally adopted various Bond Ordinances, specifically (a) Bond Ordinance Number O-6-2009-25 finally adopted on June 29, 2009, (b) Bond Ordinance Number O-5-2010-06 finally adopted on May 3, 2010, (c) Bond Ordinance Number O-8-2010-12 finally adopted on August 2, 2010, (d) Bond Ordinance Number O-12-2011-35 finally adopted on December 28, 2011, (e) Bond Ordinance Number O-7-2012-15 finally adopted on July 2, 2012, (f) Bond Ordinance Number O-8-2012-28 finally adopted on August 27, 2012 and (g) Bond Ordinance Number O-9-2013-17 finally adopted on September 9, 2013, and any and all ordinances amending and supplementing such ordinances, if applicable (collectively, the “Ordinances”); and

WHEREAS, following the effective date of each of the Ordinances, the Township, if applicable, issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Township has determined that all of the capital improvements or purposes set forth in each of the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

WHEREAS, there currently remains on deposit in the Township capital accounts relating to the Ordinances, excess bond proceeds and capital funds allocable to the Ordinances (the “Excess Proceeds”) but no longer necessary to complete and/or undertake the improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers, including but not limited to those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Township Council has determined that it is in the best interest of the Township to reappropriate the Excess Proceeds to finance the cost of the undertaking of various water and sewer capital improvements in and by the Township, including, but not limited to, the purchase of SWM International’s consent to transfer an additional 300 million gallons per year of its base allocation water diversion rights in the Old Bridge Aquifer to the Township and for the Township to acquire, from SWM International, a Right of Exclusive Negotiation to purchase additional base allocation water diversion rights from SWM International, and various improvements to Well 25, also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as and if necessary, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved (collectively, the “Project”), which Project is an improvement for which bonds may be issued, thereby decreasing the amount of additional Township debt to finance such current capital needs; and

WHEREAS, the Township Council now desires to reappropriate the Excess Proceeds to undertake the cost of the Project.

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

SECTION 1. The following amounts of Excess Proceeds of the Ordinances are no longer necessary for the purposes for which they were authorized and issued:

| <u>Bond Ordinance Number</u> | <u>Excess Proceeds Amount</u> |
|------------------------------|-------------------------------|
| O-6-2009-25 | \$ 45,000.00 |
| O-5-2010-06 | 694,000.00 |
| O-8-2010-12 | 471,000.00 |
| O-12-2011-35 | 2,496,000.00 |
| O-7-2012-15 | 925,000.00 |
| O-8-2012-28 | 250,000.00 |
| O-9-2013-17 | <u>919,000.00</u> |
| TOTAL | <u>\$5,800,000.00</u> |

SECTION 2. The total amount of \$5,800,000.00 in Excess Proceeds is hereby reappropriated pursuant to Section 2-39 of the Local Bond Law, to the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and, which general improvement or purpose is set forth in Section 3 of this bond ordinance.

SECTION 3. (a) The improvements hereby authorized and purposes for which the Excess Proceeds shall be utilized is the undertaking of various water and sewer capital improvements in and by the Township, including, but not limited to, the purchase of SWM International's consent to transfer an additional 300 million gallons per year of its base allocation water diversion rights in the Old Bridge Aquifer to the Township and for the Township to acquire, from SWM International, a Right of Exclusive Negotiation to purchase additional base allocation water diversion rights from SWM International, and various improvements to Well 25, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration as and if necessary, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved (collectively, the "Project").

(b) The estimated cost of said purpose is \$5,800,000.00, which is the reappropriation of the Excess Proceeds.

SECTION 4. The capital budget of the Township is hereby amended to conform with the provisions of this reappropriation ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

- (a)** The improvements or purposes described in Section 3 of this reappropriation ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b)** The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this reappropriation ordinance, is 33.10 years.
- (c)** An amount not exceeding \$500,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

SECTION 6. This reappropriation ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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

There was no public or council discussion of this Ordinance.

As Council Vice-President Koppel 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: **REAPPROPRIATION ORDINANCE PROVIDING FOR THE ACQUISITION OF WATER ALLOCATION RIGHTS AND IMPROVEMENTS TO WELL 25, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); REAPPROPRIATING EXCESS PROCEEDS IN THE AMOUNT OF \$5,800,000 IN EXISTING TOWNSHIP BOND ORDINANCES TO FINANCE THE COST THEREOF".**

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| 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-12-2015-024

UPON MOTION made by Councilwoman Schneider and seconded by Council Vice-President Koppel, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE OF THE MONROE TOWNSHIP COUNCIL REPEALING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LOITERING".**

ORDINANCE as follows (O-12-2015-025)

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 65 entitled "Loitering" of the Code of the Township of Monroe is hereby repealed in its entirety:

SECTION 1.

- § 65-1. Definitions.
- § 65-2. Certain types of loitering prohibited.
- § 65-3. Enforcement.
- § 65-4. Loitering by minors.
- § 65-5. Notice of violation.
- § 65-6. Presumption on second violation.
- § 65-7. Violations and penalties.
- § 65-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITERING — Remaining idle in essentially one location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression "hanging around."

PARENT or **GUARDIAN** — Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE — Any place to which the public has access, and includes any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or, in the case of a minor, not owned by or under the control of his parent or guardian.

§ 65-2. Certain types of loitering prohibited.

No person shall loiter in a public place in such manner as to:

- A. Create or cause to be created a danger of a breach of the peace.
- B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.
- C. Obstruct the free passage of pedestrians or vehicles.
- D. Obstruct, molest or interfere with any person lawfully in any public place as defined in § 65-1. This subsection will include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 65-3. Enforcement.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 65-2, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 65-4. Loitering by minors.

No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this chapter.

§ 65-5. Notice of violation.

Whenever any minor under the age of eighteen (18) years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.

§ 65-6. Presumption on second violation.

If at any time within thirty (30) days following the giving of notice as provided in § 65-5, the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 65-7. Violations and penalties. Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.) or imprisonment for a period not exceeding ninety (90) days, or both.

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.

There was no Public or Council discussion of this Ordinance.

As Councilwoman Schneider and Council Vice-President Koppel regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE OF THE MONROE TOWNSHIP COUNCIL REPEALING 65 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LOITERING"**.

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE REPEALING AND REPLACING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "PEDDLING AND SOLICITING"**.

ORDINANCE as follows (O-12-2015-026)

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 77 entitled "Peddling and Soliciting" of the Code of the Township of Monroe is hereby repealed and replaced in its entirety:

SECTION 1.

§ 77-1. Legislative intent.

§ 77-2. Definitions.

§ 77-3. Solicitation permit required.

§ 77-4. Contents of application.

§ 77-5. Investigation of applicant.

§ 77-6. Denial.

§ 77-7. Issuance of permit; transferability; expiration.

§ 77-8. Revocation of permit; hearing.

§ 77-9. Appeal from denial or revocation of certificate.

§ 77-10. Restrictions.

§ 77-11. Exemptions.

§ 77-12. Violations and penalties.

§ 77-1. Legislative intent.

This chapter is adopted with the intent to regulate ~~the distribution of advertisements~~, peddling, soliciting, and related activities within the Township of Monroe; and the registration of persons engaged in ~~such commercial or for profit solicitation~~ activities is necessary so that the identity of persons going from door to door to distribute advertisements or sell merchandise within the municipality may be established, so that general regulations may be more effectively enforced for the protection and maintenance, health, safety and welfare of the inhabitants of the township and to prevent dishonest business practices and dishonest solicitation of funds.

§ 77-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DISTRIBUTOR — Any person who distributes or causes to be distributed on any street or public place within the township any ~~advertisements, such as~~ newspapers, periodicals, books, magazines, handbills, circulars, cards, pamphlets or printed material of any kind which are distributed for the purpose of selling or delivering merchandise to customers.

MERCHANDISE — All goods, wares, food, meat, fish, ice cream, fruit, vegetables, magazines, periodicals, printed advertisements, farm products, services and orders or contracts for services, home improvements or alterations and anything that may be sold or distributed by peddlers, solicitors or distributors, as defined herein.

PEDDLER — Any person, whether a resident of the township or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance and carrying or transporting merchandise for the purpose of selling and delivering the merchandise to customers. The word "peddler" shall also include the words "hawker" and "huckster."

PERSON — Any individual, firm, partnership, corporation, organization, club, association or any principal or agent thereof.

SOLICITOR — Any person, whether a resident of the township or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance and soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word

"canvasser" or any person who goes from door to door, as described above, for the purpose of soliciting and/or who collects funds from a stationary location on any street or other public place.

TRANSIENT MERCHANT — Any person engaging in the activities commonly referred to as "transient merchant" or "itinerant vendor," who merchandises or sells with the intent to close out or discontinues such business within a period of one (1) year from the date of commencement and who occupies a room, building, tent, lot or other premises for the purpose of exhibiting or selling merchandise.

§ 77-3. Solicitation permit required.

It shall be unlawful for any peddler, solicitor, distributor or transient merchant to sell, offer for sale or distribute any merchandise, ~~printed~~-advertisements or services for commercial purposes within the township without first applying for and being granted a solicitation permit from the Township of Monroe. This Subsection does not apply to any solicitation or canvassing activities for charitable, political, religious, non-profit organizations or other non-commercial purposes.

§ 77-4. Contents of application.

- A. Any person ~~seeking to engage in solicitation with the Township of Monroe~~ required to obtain a permit under -§ 77-3 shall apply to the Township Clerk for a solicitation permit.
- B. An applicant for a solicitation permit shall be required to provide the following information in writing:
- (1) The name of each individual who will engage in solicitation within the Township of Monroe;
 - (2) The present address of each individual who will engage in solicitation within the Township of Monroe;
 - (3) As to each such individual, whether the individual has ever been arrested or convicted of a crime, offense or violation and if so, the nature of the conviction, where convicted, the date of conviction, and the penalty imposed;
 - (4) The employer or organization for which solicitation will be made;
 - (5) The address of the employer or organization;
 - (6) The telephone number of the employer or organization;
 - (7) The name of a contact person at the offices of the employer or organization;
 - (8) The type of goods or services to be sold, or the type of survey or research to be conducted;
 - (9) As to any vehicle to be used by the applicant, the make, model, year, color and license plate information of the vehicle or vehicles;
 - (10) The expected dates of solicitation within the Township of Monroe;
 - (11) The names of other municipalities in New Jersey where the applicant has been issued and or "denied" a permit to solicit or peddle in the past two (2) years; and
 - (12) If the applicant intends to go from house to house or place to place, the application shall be accompanied with two (2) passport-size photographs for each person on the application.
- C. An applicant for a solicitation permit shall also be required to produce any Government issued, State or Federal photo identification, which the Township Clerk will photocopy and attach to the application form.
- D. The application form shall be signed by the applicant, under penalty or perjury.
- E. Application forms, including photographic identification, shall be retained by the Township Clerk.
- F. Misrepresentation, false statements, or failure to disclose information on the solicitation permit application form shall constitute a violation of this chapter.
- G. The application must be completed in a clear and legible manner to avoid prolonging the process.

§ 77-5. Investigation of applicant.

Once the application has been submitted to the Township Clerk, it will then be forwarded to the Chief of Police with all accompanying information. The Chief of Police or designee shall perform a background check of the applicant(s) and investigate the information submitted ~~as to~~

~~the good moral character of~~by the applicant(s) and approve or deny the application within fourteen (14) business days.

§ 77-6. Denial.

Any application can be denied if the applicant, or the individual who will engage in solicitation, (a) has been convicted of crimes involving moral turpitude, dishonesty, violence, theft or burglary which occurred in the past ten years, (b) is under indictment for any such crime, (c) has been found guilty of violating this Ordinance or similar Ordinances within the past five (5) years, or (d) if any statement or information contained in the application is false. If the application is denied, the Chief of Police shall set forth in writing his reasons therefor which statement ~~or~~of reasons shall be submitted to the applicant.

§ 77-7. Issuance of permit; transferability; expiration.

A permit shall be issued to all approved applicants. The permit shall be signed by the Township Clerk. A separate badge shall be issued to each individual who engages in solicitation within the township.

- A. Upon approval by the Police Department and payment of fees with the Township Clerk as set forth in the Township Code, Section 39-3B (6) the Township Clerk shall issue to the applicant a permit and individual badges for each individual submitted on the application. The badge shall contain the name of the individual, photo, the name of the company or organization, the purpose for which the permit was issued, the date of issuance and date of expiration.
- B. Every individual licensed pursuant to the provisions of this section shall display the badge at all times while engaged in the peddling and soliciting process while in the township. Every licensee shall produce the badge at the request of any police officer of the township or resident.
- C. All licenses and badges shall be valid for the requested time period as stated on the license, but not to exceed the current calendar year ending 12/31/XX.
- D. No license or badge is transferrable or assignable to any other individual.
- E. All licenses and badges must be surrendered at expiration and/or the end of the calendar year, whichever comes first.

§ 77-8. Revocation of permit; hearing.

- A. Permit issued under the provisions of this chapter may be revoked by the Township Clerk and/or Police Department after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or a material incorrect statement contained in the application of a permit.
 - (2) Fraud, misrepresentation or a material incorrect statement made in the course of carrying on his business as solicitor, peddler, distributor or transient merchant.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor.
 - (5) Conducting the business of peddler, solicitor, distributor or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of the hearing for revocation of a permit shall be given by the Township Clerk in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the holder of the permit at the address given on the application at least five (5) days prior to the date set for the hearing or shall be delivered by the agent to the township in the same manner as a summons at least three (3) days prior to the date set for the hearing.
- C. Upon revocation the permit and all badges shall be surrendered to the Township Clerk.

§ 77-9. Appeal from denial or revocation of certificate.

Any person aggrieved by the denial or revocation of a license, as provided in this chapter, shall have the right of appeal to the Township Council. Such application shall be taken by filing with the Township Council, within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address. The appeal to the Township Council must include a written statement setting forth fully the grounds for the appeal. The Township Council shall set a time and place for hearing on such appeal. The Township Clerk shall provide

notice of the hearing. Such notice shall be mailed, postage prepaid, to the applicant at the address given on the application at least five (5) days prior to the date set for the hearing. The decision of the Township Council on such appeal shall be final and conclusive.

§ 77-10. Restrictions.

No person or permit/badge holder shall:

- ~~A. Peddle, solicit or~~ distribute merchandise or advertisements, or solicit for other commercial purposes ~~—~~except between the hours of 8:00 a.m. and 9:00 p.m., or solicit for charitable, political, religious, non-profit Organizations or other non-commercial purposes~~unless except between the hours of 8:00 a.m. and 9:00 p.m., unless~~ specifically having been invited into a house by the occupant or having made an appointment with a person previously.
- B. Attempt to peddle, solicit or distribute merchandise or ~~printed~~ advertisements, or conduct any solicitation for commercial purposes ~~—~~without first having identified himself as a peddler, solicitor or distributor registered with the township and displaying his badge.
- C. Have exclusive right to any location in the public streets or operate in any congested area where his operations impede or inconvenience the public.
- ~~D. Leave at a property or house or in any public place circulars, samples or other matter, except newspapers, which shall be defined as a periodical with a paid circulation of at least ninety percent (90%) of its total circulation, except when handed to a person or house occupant.~~[LL1][LL2][LL3]
- ED. Enter or attempt to enter the land-home of any resident of the township without an express invitation from the occupant of the house.
- FE. Conduct himself/herself in such a manner as to become objectionable to or annoy an occupant of any house.
- ~~GF. Shout, cry out, blow a horn, ring a bell or use any sound making or amplifying device upon any of the streets, parks or public places of the township or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks or other public place of the township upon private premises for the purpose of attracting attention to any merchandise or services.~~Violate Monroe's Noise Ordinance codified in Chapter 69.
- HG. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- IH. Litter the streets, public places or properties within the township with any merchandise or printed material.
- I. Violate New Jersey's Charitable Registration and Investigation Act, if applicable.
- J. Conduct any kind of solicitation, commercial or noncommercial, at any private residence where a "No Solicitation" sign is posted on the property.

§ 77-11. Exemptions.

~~The following persons or organizations are exempt from the payment of a fee and, in the discretion of the Chief of Police, the application and/or investigation procedures,~~ upon compliance with all other provisions of this chapter and submission of applicable identification and documents to support the claim to exemption.[LL4]

- ~~A. Any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the society exists.~~
- BA. Any person honorably discharged from the military services of the United States, possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 24-10.
- CB. Any person who is an exempt fireman of a volunteer fire department as defined in N.J.S.A. 45:24-9 and 24-10, possessing a license in conformity with said law.
- DC. Any public utility, or its employees, which is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by their employer.
- ED. Any person selling fruits and farm products grown by himself, with or without the help of others.
- ~~F. Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business to the premises of persons who had previously~~

~~ordered the same or were entitled to receive the same by reason of a prior agreement.~~[LL5]

~~G. Any school, political or civic organization, benevolent society, service club or organization not-for-profit which is located in or has a substantial membership from the township.~~

§ 77-12. Violations and penalties.

Any person who violates or fails or neglects to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine or penalty of not more than five hundred dollars (\$500.) or imprisonment for a term of not to exceed ninety (90) days, or both, in the discretion of the court. Each and every time a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable by a like fine or penalty.

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.

There was no Public or Council 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 REPEALING AND REPLACING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "PEDDLING AND SOLICITING"**.

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-12-2015-026

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage entitled: **ORDINANCE AMENDING CHAPTER 96 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "SHADE TREES AND SHRUBBERY; LANDSCAPING"**.

ORDINANCE as follows (O-12-2015-027)

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that the Code of the Township of Monroe, Chapter 96 entitled, "Shade Trees and Shrubbery; Landscaping" shall be amended and supplemented as hereinbelow set forth:

SECTION 1.

**ARTICLE I
Shade Trees and Shrubbery**

§ 96-1. Definitions.

§ 96-2. Powers of Shade Tree Commission.

§ 96-3. Permit required; fee.

§ 96-4. Prohibited acts.

§ 96-5. Additional prohibitions.

§ 96-6. Enforcement.

§ 96-7. Violations and penalties.

ARTICLE II Landscaping

§ 96-8. Title.

§ 96-9. Intent and purpose.

§ 96-10. Definitions.

§ 96-11. Requirements and standards for nonresidential development.

§ 96-12. Planting procedure.

§ 96-13. Recommended plantings.

§ 96-14. (Reserved)

SECTION 2.

ARTICLE I Shade Trees and Shrubbery [Adopted 11-5-75 as Ord. No. 2781]

§ 96-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

PERSON — Every person, firm, association, partnership and corporation.

PLANT CONSTRUCTION — As applied to public utility companies, poles, manholes and appurtenant facilities of such companies installed in a street.

PUBLIC UTILITY COMPANY — Refers to a public utility as defined in the Revised Statutes of the State of New Jersey (N.J.R.S. 48:2-13) and includes the Monroe Utilities Authority.

SHADE TREE COMMISSION — The Shade Tree Commission of the Township of Monroe.

STREET:

- A. Any public street.
- B. Municipal parks and parkways.
- C. County roads.
- D. State highways.

TREE - Trees and shrubs.

§ 96-2. Powers of Shade Tree Commission.

The Shade Tree Commission, as created under § 3-84 of this Code, shall serve without compensation and have the following powers:

- A. To exercise full and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public places, streets and parks of the Township, exclusive of county highways, unless the proper county authority gives assent thereto, including the planting, trimming, spraying, care and protection thereof.
- B. To regulate and control the use of the ground surrounding same as far as may be necessary for their proper growth, care and protection.
- C. To move or require the removal of any tree or part thereof dangerous to public safety.

- D. To make, alter, amend and repeal, in the manner prescribed for the passage, alteration, amendment and repeal of ordinances by the governing body of the municipality, any and all ordinances necessary or proper for carrying out the provisions hereof.
- E. To administer treatment to or remove any tree situate upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the municipality and enter upon private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by certificate issued by or on behalf of the Department of Agriculture.
- F. To review for approval landscaping plans for park areas, garden apartments, industrial ~~sites~~ and commercial ~~districts and sites, and planned developments referred to it by the Township Planning Board and~~ recommend the type of plantings, shrubbery or trees and the placement thereof in said areas.
- G. To encourage arboriculture.
- H. To waive the requirements of this ~~e~~Chapter upon a showing of undue hardship or for other just cause. **[Added 3-6-89 by Ord. No. 3-89-7]**

§ 96-3. Permit required; fee.

- A. No person shall cut, saw or otherwise remove any living tree upon any public street, highway or parkway or in any park, or on any commercial site or industrial site within the Township of Monroe without first obtaining a permit from the Shade Tree Commission, Monroe Township Administrator, Municipal ~~Building Complex, 1630 Perrineville Road, Jamesburg 1 Municipal Plaza, Monroe Township, New Jersey 08831 - 1900.~~ **[Amended 9-6-95 by Ord. No. 0-9-95-044]**
- B. Application forms. **[Amended 3-6-89 by Ord. No. 3-89-7]34**
 - (1) A permit shall be required for any tree located within the ~~T~~township right-of-way or within any planned development within the ~~t~~Township boundaries.
 - (2) No person shall obtain a permit from the Shade Tree Commission without submitting the appropriate application and receiving the Commission's approval of such application. There shall be four (4) types of applications:
 - (a) Application for site plan review.
 - (b) Application for tree removal.
 - (c) Application for replacement of trees.
 - (d) Application for planting trees.
 - (3) Requirements and procedures for submission of applications:
 - (a) An application, complete with the appropriate fee, shall be submitted no later than seven (7) calendar days prior to the regularly scheduled Shade Tree Commission meeting at which the application is to be considered.
 - (b) All applications, fees and other communications shall be submitted to the Monroe Township Shade Tree Commission, c/o Monroe Township Land Use Administrator, Monroe Township Municipal Complex, ~~Perrineville Road, Jamesburg-1 Municipal Plaza, Monroe Township, New Jersey 08831-1900.~~
 - (c) An applicant shall submit a revised application setting forth any changes in the original application. A revised application shall be accompanied by the appropriate fee. All revisions are subject to the review and approval of the Monroe Township Shade Tree Commission.
 - (d) Each applicant for site plan review shall enclose six (6) copies of the proposed site plan appended thereto.
 - (4) Application fees shall be as follows:
 - (a) ~~Initial Application: ten dollars (\$10.) Twenty-five dollars (\$25.) per tree affected by the proposed revisions plus~~
 - (1) ~~After the first five trees, fifteen dollars (\$15.) per tree to be removed, up to a maximum of six hundred dollars (\$600) for each acre, or part thereof, to be cleared.~~

There is no additional application fee for site plan review by the Shade Tree Commission, replacement or planting of trees. Applicants remain subject to the tree replacement obligations contained in Chapters 97 and 108.

~~(b) Revised application: ten dollars (\$10.) per tree~~

C. Required permits: utility operations; exceptions.

- (1) The Shade Tree Commission may grant to public utility companies a blanket permit for tree pruning for line clearance and for the installation and the maintenance of subsurface and aboveground plant construction if there is interference with or endangerment to street trees.
- (2) Public utility companies may, during periods of emergency, without a specific prior permit:
 - (a) Install temporary attachments to trees.
 - (b) Make emergency subsurface repairs.
 - (c) Exercise care to minimize damage to trees during periods of emergency.
- (3) Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees under the jurisdiction of the Monroe Township Shade Tree Commission.

D. This Article shall not apply to the Township of Monroe.

E. Inspections. **[Added 3-6-89 by Ord. No. 3-89-7]**

- (1) Inspection fees. Prior to commencing any work under a permit granted by the Shade Tree Commission, the developer shall pay to the Township Clerk, by cash or certified check made payable to the Treasurer of the Township of Monroe, the following inspection charge fee.¹
- (2) The Township Engineer shall perform an on-site inspection during or upon completion of the planting, removal or replacing of trees within the ~~the~~ Township right-of-way or upon receipt of a request for release from a performance guaranty.
- (3) The Township Engineer shall perform a final inspection within sixty (60) days prior to the release of any maintenance guaranty.
- (4) The Shade Tree Commission shall, upon accepting the work performed pursuant to a permit, and upon receipt of as-built landscaping plans, certify to the Township Engineer its approval of the release of a performance or maintenance guaranty. There shall be no release of any maintenance bond unless the tree or trees covered by said bond live a minimum of one (1) year; provided, however, that it shall be within the discretion of the Township Engineer to release the maintenance bonds if the developer plants replacements for the dead trees pursuant to the recommendations of the Commission, and further provided that the developer has made a good faith effort to comply with the provisions of this ~~e~~Chapter as certified by the Township Engineer, and provided that eighty percent (80%) to ninety percent (90%) of all replanted trees have survived at least one (1) year; provided, further, that no maintenance bond shall be released until all stakes and ties have been removed in accordance with § 96-121 of this ~~e~~Chapter.
- (5) The Township Engineer and/or Township ~~Administrative Officer of~~ Land Use ~~Administrator~~ shall notify the Shade Tree Commission at least forty-five (45) days prior to the release and/ or expiration of any section of any performance and/or maintenance bond pertaining to shade trees planted within the ~~the~~ Township right-of-way.

§ 96-4. Prohibited acts.

No person shall do or cause to be done any of the following acts affecting the trees, plants, shrubbery or other ornamental flora planted or growing naturally within the highway or public places under the jurisdiction of the ~~the~~ Township, unless a written permit is first obtained from the Shade Tree Commission.

- A. Cut, trim, break, disturb the roots of or spray with chemicals any living tree or shrub; or injure, misuse or remove any structure or device to support or protect any tree or shrub.
- B. Plant or remove any living tree or shrub, or climb with spikes any living tree or shrub on ~~the~~ Township land.
- C. Fasten any rope, wire, electric attachments, sign or other device to a tree or shrub, or to any guard about such tree or shrub.

- D. Close or obstruct any open space provided about the base of a tree or shrub or add fertilizer to the roots of such tree or shrub.
- E. Pile any building material, or make any mortar or cement within six (6) feet of a tree or shrub.
- F. Change the grade of the soil within the limits of the lateral spread of the branches of any such tree.
- G. Place or maintain or cause to be placed or maintained upon the ground on any street, or place any stone, cement or other substance, which shall impede the tree access of air and water to the roots of any tree or shrub in any street or place.
- H. Lay any sidewalk along, or open, construct, curb or pave any street or do any like act so as to interfere with or do injury to any highway shade tree without the consent of the Shade Tree Commission.

§ 96-5. Additional prohibitions.

No person shall:

- A. Place salt, brine, oil, gas, sewage water or other substances injurious to plant growth in any public highway or place in such a manner as to injure any tree or shrub growing thereon.
- B. Build any fire or station any tar kettle, road roller or other engine in any public highway in such a manner that the heat vapors or fumes therefrom may injure any tree or shrub growing thereon on ~~the~~ Township lands or rights-of-way.
- C. Do any excavating within six (6) feet of any tree or shrub in any public highway or place without the permission of the Shade Tree Commission.
- D. Cut roots when necessary of more than one (1) inch in diameter without first protecting such roots under advice from the Shade Tree Commission.

§ 96-6. Enforcement.

The provisions of this Article shall be administered and enforced by the Shade Tree Commission. If any person shall continue to violate any of the provisions of this Article after being duly notified of such violation, or shall neglect or refuse to comply with any lawful order of the Shade Tree Commission, the failure to comply with a second or each of any subsequent notifications or orders shall be construed as an additional violation of this Article, and each additional offense shall subject the offending party upon conviction to the same penalty as provided for the first offense.

§ 96-7. Violations and penalties.

~~Any person violating any of the provisions of this Article shall, upon conviction thereof, pay a fine not exceeding five hundred dollars (\$500.) or be imprisoned in the county jail for a term not exceeding ninety (90) days, or both.~~

~~Any person, firm, partnership, association or other legal entity violating or causing to be violated any of the provisions of this Article, shall be subject to a fine of not less than two hundred fifty dollars (\$250) and not more than two thousand dollars (\$2,000) and shall replace each tree destroyed or removed in violation of this Article with nursery grown tree(s) of the same species having a caliper of not less than two (2) inches. Each tree destroyed or removed in violation of this Article shall be considered a separate offense.~~

SECTION 3.

**ARTICLE II Landscaping
[Adopted 2-6-84 as Ord. No. 3-84]**

§ 96-8. Title.

This Article shall be known and may be cited as the "Landscape Ordinance of the Township of Monroe."

§ 96-9. Intent and purpose.

- A. The intent of this Article is to ensure harmonious planting throughout the Township of Monroe by clarifying what the ~~the~~ Township deems to be adequate planting and to enable developers to plan projects which aesthetically enhance the community with a minimum

amount of expense. To ensure that principles of good landscaping and design are adhered to and implemented, each site plan submitted for approval shall provide for:

- (1) The preservation of desirable existing trees and shrubs.
 - (2) The preservation, insofar as possible, of natural rock outcroppings and natural topographic features.
 - (3) Adequate planting density.
 - (4) A variety of plant species to provide, interest throughout the year with color and texture of foliage, bark, flowers and fruit that are displayed at various seasons.
 - (5) Proper selection and diversification of plant species to minimize the possibility of damage due to insects and disease.
 - (6) Plant species which are suitable for use in Monroe Township soil conditions.
 - (7) Proper plant sizes at the time of installation to ensure a successful planting.
- B. By adhering to these parameters, the developer and the Township can be assured that the project will be an asset to the community.

§ 96-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

BERM — A mound of soil on a site used as a view obstruction or to vary the grade pattern, either natural or manmade.

BUFFER — An area within a property or site generally adjacent to and parallel with the property line, either consisting of natural vegetation or created by the use of trees, shrubs, fences and berms, designed to continuously limit view of the site from adjacent sites or properties.

CALIPER — The diameter of a tree trunk measured, in inches, twelve (12) inches above ground level for trees over four (4) inches in diameter and six (6) inches above ground level for trees up to four (4) inches in diameter.

DECIDUOUS — Plants that drop their leaves before becoming dormant in winter.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EVERGREENS — Plants that retain their leaves throughout the year, also known as "conifers."

GROUND COVER — Low-growing plants of sod that in time form a dense mat covering the area in which they are planted, preventing the growth of unwanted plants while holding the soil in place. Examples are species of rose, ajuga, cotoneaster, euonymus, ivy, juniper, honeysuckle, pachysandra, vinca and sod.

LANDSCAPE — The total area to a site or property, excluding the area occupied by building(s) and structures within the site and with adjacent property by the use of existing or alterations to the existing topography, trees, shrubs, groundcovers and/or mulches.

MULCH — Any covering placed on soil to conserve moisture, eliminate weed growth, protect plants from extremes of heat and cold and hold soil in place, or aid in establishing plant cover for land.

MUNICIPAL AGENCY — The Planning Board, the Zoning Board of Adjustment or the Township Council, when acting pursuant to this Chapter, and any agency which is created by or responsible to the Township.

SCREEN — A structure or plantings providing a continuous view obstruction within the site or property, consisting of fencing, berms and evergreen trees and shrubs.

SHRUBS — Any plant(s), deciduous or evergreen, generally multistemmed, classified and sold by height or spread, measured in inches or feet.

TOWNSHIP — The Township of Monroe.

§ 96-11. Requirements and standards for nonresidential development.

Any site development planting requirements regarding nonresidential structures shall be required to conform to the following standards and requirements:

- A. Off-street parking. Any parking area of five (5) or more spaces within or abutting a residential district shall have a solid and continuous planting at least six (6) feet in height to screen the parking area, eliminate glare of automobile headlights and reduce noise. A landscape screen shall consist of evergreen trees and/or evergreen shrubs. For example:
- (1) Evergreen and semi-evergreen shrubs planted at a maximum of four-foot center spacing, which shall be maintained at a minimum height of six (6) feet at maturity. A few examples of plants in this category are: Pfitzer's juniper (*Juniperus chinensis pfitzeriana*), dense yew (*Taxus cuspidata densiformis*), a Japanese andromeda (*Pieris japonica*) and inkberry holly (*Ilex glabra*).
 - (2) Broadleaf evergreen shrubs planted at a maximum three-foot center spacing, which shall be maintained at a minimum height of six (6) feet at maturity. A few examples of plants in this category are: franchet cotoneaster (*Cotoneaster franchet*), and leatherleaf viburnum (*Viburnum rhytidophyllum*).
 - (3) Columnar evergreen trees planted at a maximum three-foot center spacing. A few examples of plants in this category are: columnar Chinese juniper (*Juniperus chinensis columnaris*), dark American arborvitae (*Thuja occidentalis nigra*) and keteleeri juniper (*Juniperus chinensis keteleeri*).
 - (4) Pyramidal evergreen trees planted at a maximum ten-foot center spacing. A few examples of plants in this category are: Austrian pine (*Pinus nigra*), Canadian hemlock (*Tsuga canadensis*) and Norway spruce (*Picea excelsa*).
- B. Off-street parking additional requirements. Off-street parking areas which provide for twenty (20) or more vehicles shall have a minimum of ten percent (10%) of the area reserved for landscaping. This area shall be reasonably distributed within and/or surrounding the parking area and shall be planted with a minimum of one (1) shade or ornamental tree for every ten (10) parking spaces. Landscaped areas shall include suitable ground cover to discourage the growth of weeds. The base of each tree shall be left free of pavement for a diameter of not less than six (6) feet. Permanent curbing shall be provided where necessary to protect landscaped areas from motor vehicles. Trees that are planted shall receive the following credit toward landscaped area requirements:
- (1) Large trees, for example, red oak (*Quercus borealis*), tulip poplar (*Liriodendron tulipifera*) and green ash (*Fraxinus lanceolata*): credit of two hundred (200) square feet.
 - (2) Medium trees, for example, red maple (*Acer rubrum*), European white birch (*Betula alba*), and Bradford callery pear (*Pyrus calleryana bradford*): credit of one hundred fifty (150) square feet.
 - (3) Small trees and evergreen trees, for example, flowering dogwood (*Cor^pus florida*), Kwanzan cherry (*Prunus serrulata kwanzan*) and white pine (*Pinus strobus*): credit of one hundred (100) square feet.
- C. Off-street loading. Any off-street loading area within or abutting a residential district shall be provided with a fence, wall or evergreen planting which will screen loading vehicles. Varieties of plants recommended for screening off-street parking can also be used for screening off-street loading areas.
- D. Multiple-family and townhouse. Landscaping shall include street trees, open space planting and foundation shrubs.
- (1) Street trees shall be planted according to the specifications described in the section entitled "Single-Family and/or Two-Family Dwelling Subdivision."
 - (2) A minimum of ten percent (10%) of the site plan shall be reserved for the planting of trees and shrubs which shall be reasonably distributed throughout the area and shall include suitable shrubbery in a planting bed in the front and on the sides of the building(s). This requirement is in addition to any buffer planting which may be necessary to screen the development from adjacent single-family detached homes.
 - (3) Areas for the collection of garbage and trash shall be screened in accordance with the regulations for off-street loading with a height sufficient to obscure the collection containers; minimum height shall be four (4) feet on three (3) sides.
- E. Planned industrial district.
- (1) The area surrounding each building shall be suitably and attractively planted; this includes foundation planting, street trees, open space planting, parking lot planting, and screening of outdoor storage areas.
 - (2) Street trees shall be planted according to the specifications in the section entitled "Single-Family and/or Two-Family Dwelling Subdivision."²

- (3) A minimum lot area equivalent to one-third (1/3) the gross ground floor area of the building shall be reserved for foundation, open space and parking lot plantings; this landscaping shall be reasonably distributed around the building(s). This requirement is in addition to buffer and street tree requirements.
 - (4) Any outdoor storage shall be enclosed by a dense, evergreen planting, a wall or a fence. This screen shall be of greater height than materials stored inside the screen and shall be in harmony with the building and surroundings. Evergreen plantings previously mentioned in the off-street parking section are suitable.
- F. Shopping center. Landscaping shall include buffer plantings, parking lot plantings and street trees.
- (1) A solid and continuous landscape buffer shall ~~bi~~ be planted and maintained so as to screen the parking area and eliminate headlight glare throughout the year. The landscaped screen shall consist of shade trees, ornamental trees, evergreen trees and/or suitable shrubs.
 - (2) Parking lot planting shall follow the specifications of Subsection A, Off-street parking. All loading areas shall be screened by a dense planting, solid wall or fence designed in harmony with the shopping center. The screen shall be of greater height than any vehicles in the loading area.

§ 96-12. Planting procedure.

- A. Inspection of site.
- (1) Contractors shall visit the work site so as to familiarize themselves with existing conditions, i.e., existing soil, drainage, topography, buildings, towers, poles and overhead and underground power lines and conduits.
 - (2) If, during inspection, a contractor finds any condition at variance with the plans or specifications, he shall notify the Shade Tree Commission.
- B. Consultation. It is the responsibility of the contractor to notify and consult with the Monroe Township Shade Tree Commission representatives prior to installation of any planting, for the purpose of comprehension of specifications, plant material, planting details and planting schedule.
- C. Selection of plant material.
- (1) It is required that all trees and shrubs shall conform to the American Standard for Nursery Stock, as published by the American Association of Nurserymen. They shall be nursery grown, balled and burlapped, or container grown, unless specified. No plant shall have a man-made ball. Bare-root shrubs or shade trees may be used where specifically permitted on approved plans.
 - (2) All plant material and sizes shall be specified on the landscaping plan. No substitutes shall be made without specific permission of the Monroe Township Shade Tree Commission.
 - (3) All plants shall have a growth habit normal for species and variety, unless otherwise specified, and shall be healthy, vigorous and free of insects, disease and mechanical injury. For inspection purposes, plants shall be measured prior to pruning, with branches in normal position. **[Amended 3-6-89 by Ord. No. 3-89-7]**
- D. Soil. Topsoil used in planting pits and for backfilling for trees and shrubs shall be fertile agricultural soil capable of sustaining vigorous plant growth and shall have a pH of five point five (5.5) to six point five (6.5). It shall have uniform composition, be free from large stones, wood and other foreign objects and shall not contain substances toxic to plant growth. Planting pit and backfilling material shall not be used unless it meets this requirement. Poor or sandy soils may be used if supplemented by a minimum of fifty percent (50%) by volume of peat moss.
- E. Planting season. **[Amended 9-6-95 by Ord. No. 0-9-95-044]**
- (1) Planting shall normally be undertaken when the soil is free of frost and firable, unless otherwise specified. No planting shall be done during abnormally hot weather. The time of planting, however, shall be agreed upon at the conference between the Monroe Township Shade Tree Commission and the contractor, and a specific schedule shall be set up.
 - (2) Trees should not be planted in the "Fall Planting Season" unless they have been dug at the proper time — nor should they be placed in the "Fall Planting Season" if they are on the "Fall Planting Hazard List", according to the American Nurseryman's Association standards.

F. Plant installation.

- (1) The diameter of all plant pits shall be at least one and two-thirds (1 2/3) greater than the ball diameter. Topsoil meeting the requirements of Subsection D above shall be provided at a minimum depth of six (6) inches below the ball or root system. The pit for bareroot trees and shrubs must be at least six (6) inches deeper than existing roots and twelve (12) inches wider.
- (2) Plants shall be planted at exactly the same depth as previously grown. All soil in the planting pits shall be firmed to prevent air pockets and settling.
- (3) After balled and burlapped plants are set at the proper level in the holes, all cord and burlap shall be untied from the trunk base. For drumlaced plants, retie the ball by tightening the top cinch cord. All plants shall be backfilled with topsoil which meets the requirements of Subsection D above. All plants shall be thoroughly watered in at the time of planting to prevent air pockets and settling.
- (4) After materials are planted, all damaged branches shall be removed by pruning. All nursery tags shall also be removed.
- (5) All elastic material, burlap, string or containers shall be removed at time of planting.
- (6) At the time of planting, trees and shrubs shall be pruned using generally accepted horticultural methods.

G. Caliper. Caliper indicates the diameter of a tree trunk measured, in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter. Ball and burlap indicates that the tree should not be planted bare-rooted.

H. Mulching.

- (1) A four-inch minimum layer of mulch shall be applied around each individual tree.
- (2) A "mulch" shall be considered any material, organic or inorganic, of a granular nature that is not readily subject to movement by wind or water.
- (3) Wood chips, partially rotted or nitrogen-enriched, may be used. New wood chips are not acceptable because of the bacteria drawing available nitrogen from the soil, thus preventing its use by the plants it is intended to protect.

I. Staking. All stakes and ties shall be removed not less than twelve (12) months nor more than eighteen (18) months from time of planting. No portion of any maintenance bond shall be released until the applicant has removed all stakes and ties. **[Amended 3-6-89 by Ord. No. 3-89-7]**

J. Wrapping.

- (1) Each tree shall be wrapped with an expandable paper or cloth treated to last at least one (1) year. Wrapping is to be applied spirally with a fifty-percent overlap being secured at the base and the top with suitable cord, as well as in the middle.
 - (a) This wrap shall extend from the ground level up the trunk to the first branches.
 - (b) This wrap is to prevent sun scald and shall be attached or fastened at each end with a material that will permit tree growth without girdling.
- (2) The person preparing the landscape plan shall coordinate said plan for plantings in the public right-of-way with all utility companies and agencies, public and private, to make certain that plantings will not impair the use of said public right-of-way for the installation, operation and maintenance of utility facilities.

K. Maintenance. Maintenance of planted material shall be the responsibility of the developer during the performance and maintenance bond guaranty periods. Maintenance shall include watering, setting plants, and any other work necessary to assume survival and normal growth.

L. Placement.

- (1) Trees shall be planted on the lawn side of a sidewalk unless otherwise specified by the Commission. Trees shall be guaranteed until at least one (1) year following planting to assure that new growth appears and that the tree is healthy. The contractor may then request that the Monroe Township Shade Tree Commission recommend to the Township Council that he be released from that portion of his performance bond. **[Amended 3-6-89 by Ord. No. 3-89-7]**

- (2) Intersections. If a house is located on a corner:
 - (a) Plantings shall be no closer than twenty-five (25) feet nor in a radius of ten (10) feet from the corner setback.
 - (b) Any hedges in this area should be cut back to no more than thirty (30) inches tall.
- (3) No tree shall be planted closer than five (5) feet from any utility line. **[Added 3-6-89**

by Ord. No. 3-89-7]

M. Planning and Zoning Board approvals. All Planning and Zoning Board approvals for all major subdivisions, including commercial sites, are subject to prior approval by the Shade Tree Commission. **[Added 3-6-89 by Ord. No. 3-89-7]**

N. Spacing. The spacing of trees planted within the ~~the~~ Township right-of-way or Shade Tree Easement area shall average fifty (50) feet. No two (2) trees shall be planted more than sixty (60) nor less than forty (40) feet apart. **[Added 3-6-89 by Ord. No. 3-89-7]**

O. Notice. Developers shall notify all homeowners in writing that they will be planting trees to fulfill their performance bond requirements twenty (20) days prior to beginning to plant so that residents can mark sprinkler systems and can recommend placement of the newly planted trees within the guidelines set forth in subsection N of this section. **[Added 9-6-95 by Ord. No. 0-9-95-044]**

§ 96-13. Recommended plantings. [Amended 3-6-89 by Ord. No. 3-89-7; 9-6-95 by Ord. No. 0-9-95-044; 6-7-00 by Ord. No. 6-2000-019]

The following recommendations may be revised from time to time by the Conservation Officer, in consultation with the Township Arborist and/or the Shade Tree Commission. Developers must obtain a copy of the current recommendations from the Conservation Officer before planting.

A. Group A - Trees to be planted in street lawns greater than four (4) feet (48 inches) wide:

| Botanical Name | Common Name |
|--|--|
| Fagus grandifolia | American Beech |
| Ulmus americana | American Elm cultivars |
| Tilia Americana cvs. | American Linden cultivars |
| Taxodium distichum | Baldcypress |
| Nyssa sylvatica | Black Gum |
| Celtis occidentalis | Common Hackberry |
| Metasequoia glyptostroboides | Dawn Redwood |
| Quercus robur cvs. | English Oak cultivar |
| Fagus sylvatica cvs. | European Beech cultivars |
| Ginkgo biloba | Ginkgo |
| Aesculus hippocastanum cvs. | Horsechestnut cultivar |
| Zelkova serrata | Japanese Zelkova |
| Cercidiphyllum japonicum | Katsuratree |
| Gymnocladus dioicus | Kentucky Coffeetree |
| Ulmus parvifolia | Lacebark Elm |
| Tilia cordata cvs. | Littleleaf Linden cultivars |
| Platanus x acerifolia | London Planetree |
| Celtis x occidentalis 'Magnifica' | Magnifica Hackberry |
| Quercus rubra | Northern Red Oak |
| Quercus palustris | Pin Oak |
| Acer pseudoplatanos | Planetree maple |
| Acer rubrum cvs. | Red Maple cultivars |
| Betula nigra cvs. | River Birch cultivars |
| Quercus acutissima | Sawtooth Oak |
| Quercus coccinea | Scarlet Oak |
| Sophora japonica | Scholartree |
| Quercus imbricaria | Shingle Oak |
| Acer saccharum cvs. | Sugar Maple cultivars |
| Quercus bicolor | Swamp White Oak |
| Liquidambar styraciflua | Sweetgum |
| Gleditsia triacanthos inermis cvs. | Thornless Honey Locust cultivars |
| Liriodendron tulipifera | Tuliptree |
| Salix babylonica | Weeping Willow |

Quercus alba
 Quercus phellos

White Oak
 Willow Oak

| Botanical Name | Common Name |
|-------------------------------------|------------------------------------|
| Fraxinus americana Autumn Purple | Ash, Autumn Purple |
| Fraxinus americana Greenspire | Ash, Greenspire Upright American |
| Fraxinus lanceolata Newport | Ash, Newport |
| Fraxinus lanceolata Patmore | Ash, Patmore |
| Fraxinus americana Rosehill | Ash, Rosehill |
| Fraxinus lanceolata Summit | Ash, Summit |
| Fagus, sylvatica | Beech, European |
| Fagus, sylvatica asplenifolia | Beech, Fernleaf |
| Fagus, sylvatica fastigiata | Beech, Pyramidal |
| Gymnocladus dioica | Coffeetree, Kentucky |
| Magnolia acuminata | Cucumber Tree |
| Taxodium distichum | Cypress, Bald |
| Ulmus americana delaware | Elm, Delaware American |
| Ulmus hollandica Groenveldt | Elm, Groenveldt |
| Ginkgo biloba Magyar | Ginkgo, Magyar Upright |
| Ginkgo biloba Princeton Sentry | Ginkgo, Princeton Sentry |
| Celtis occidentalis | Hackberry |
| Gleditsia triac inermis Continenta | Honeylocust, Continental |
| Gleditsia triac inermis Shademaster | Honeylocust, Shademaster Thornless |
| Gleditsia triac inermis Skyline | Honeylocust, Skyline |
| Cercidiphyllum japonicum | Katsura Tree |
| Tilia euchlora | Linden, Crimean |
| Tilia cordata Greenspire | Linden, Greenspire Littleleaf |
| Tilia tomentosa Green Mountain | Linden, Green Mountain Silver |
| Tilia americana Redmond | Liden, Redmond |
| Gleditsia triac inermis Sunburst | Locust, Sunburst |
| Acer platanoides Crimson King | Maple, Crimson King |
| Acer platanoides Emerald Queen | Maple, Emerald Queen |
| Acer platanoides columnare | Maple, Columnar Norway |
| Acer platanoides Schwedleri | Maple, Schwedler Norway |
| Acer platanoides Summershade | Maple, Summershade Norway |
| Acer pseudo-platanus | Maple, Planetree |
| Acer rubrum | Maple, red |
| Acer rubrum col. Armstrong | Maple, Armstrong Red |
| Acer rubrum col. Bowhall | Maple, Bowhall Red |
| Acer rubrum October Glory | Maple, October Glory Red |
| Acer rubrum Red Sunset | Maple, Red Sunset Red |
| Acer saccharum | Maple, Sugar |
| Acer saccharum Bonfire | Maple, Bonfire Sugar |
| Acer saccharum columnare | Maple, Columnare Sugar |
| Acer saccharum Green Mountain | Maple, Green Mountain Sugar |
| Acer saccharum columnare Goldspire | Maple, Goldspire Sugar |
| Acer saccharum Monumentale | Maple, Sentry Sugar |
| Quercus borealis | Oak, Northern Red |
| Quercus palustris | Oak, Pin |
| Quercus robur fastigiata | Oak, Pyramidal English |
| Quercus acutissima | Oak, Sawtooth |
| Quercus coccinea | Oak, Scarlet |
| Quercus inbricaria | Oak, Shingle |
| Quercus alba | Oak, White |
| Quercus phellos | Oak, Willow |
| Platanus acerifolia Bloodgood | Plane Tree, Bloodgood London |
| Metasequoia glyptostroboides | Redwood, Dawn |
| Eucommia ulmoides | Rubber Tree, Hardy |
| Sophora japonica Princeton Upright | Scholartree, Princeton Upright |
| Sophora japonica Regent | Scholartree, Regent |
| Nyssa sylvatica | Sourgum or Black Tupelo |
| Liquidambar styraciflua | Sweetgum |
| Liriodendron tulipifera | Tuliptree |
| Zelkova serrata Green Vase | Zelkova, Green Vase |
| Zelkova serrata Village Green | Zelkova, Village Green |

~~C. Group C – Trees to be planted in Street lawns less than thirty (30) inches wide:~~

B. Group B - Trees to be planted in street lawns greater than two and one half (2 ½) to Four (4) feet wide

| Botanical Name | Common Name |
|--|------------------------------------|
| <u>Ilex opaca</u> | <u>American Holly</u> |
| <u>Carpinus caroliniana</u> | <u>American Hornbeam</u> |
| <u>Prunus maackii</u> | <u>Amur Chokeberry</u> |
| <u>Betula platyphylla</u> | <u>Asian White Birch</u> |
| <u>Pyrus calleryana cvs.</u> | <u>Callery Pear cultivars</u> |
| <u>Acer platanoides 'Crimson King'</u> | <u>Crimson King Maple</u> |
| <u>Carpinus betulus cvs.</u> | <u>European Hornbeam cultivars</u> |
| <u>Koelreuteria paniculata</u> | <u>Goldenraintree</u> |
| <u>Betula populifolia</u> | <u>Gray Birch</u> |
| <u>Acer campestre</u> | <u>Hedge Maple</u> |
| <u>Ostrya virginiana</u> | <u>Hophornbeam</u> |
| <u>Stewartia koreana</u> | <u>Korean Stewartia</u> |
| <u>Cornus kousa chinensis</u> | <u>Kousa Dogwood</u> |
| <u>Prunus serrulata</u> | <u>Kwanzan Cherry</u> |
| Acer platanoides | Norway Maple |
| <u>Aesculus pavia</u> | <u>Red Buckeye</u> |
| <u>Cercis Canadensis</u> | <u>Redbud</u> |
| <u>Prunus sargentii cvs.</u> | <u>Sargent Cherry cultivars</u> |
| <u>Magnolia x soulangiana</u> | <u>Saucer Magnolia</u> |
| <u>Tilia tomentosa</u> | <u>Silver Linden</u> |
| <u>Halesia carolina cvs.</u> | <u>Silverbell cultivars</u> |
| <u>Oxydendrum arboretum</u> | <u>Sourwood</u> |
| <u>Acer buergerianum</u> | <u>Trident Maple</u> |
| <u>Crataegus phaenopyrum cvs.</u> | <u>Washington Hawthorn</u> |
| <u>Cladrastis kentukea</u> | <u>Yellowwood</u> |

| Botanical Name | Common Name |
|--|--|
| Sorbus thuringiaca fastigiata | Ash, Columnar, Oakleaf Mountain |
| Sorbus alnifolia | Ash, Korean Mountain |
| Betula platyphylla japonica | Birch, Asian White |
| Betula alba laciniata | Birch, Cutleaf Weeping White |
| Betula alba fastigiata | Birch, Pyramidal European |
| Betula nigra | Birch, River |
| Prunus maackii | Chokeberry, Amur |
| Prunus sobhirtella Autumnalis | Cherry, Autumn Flowering |
| Prunus sargentii columnaris | Cherry, Columnar Sargent |
| Prunus serrulata Kwanzan | Cherry Kwanzan |
| Prunus yedoensis | Cherry, Yoshino |
| Phellodendron amurense | Corktree, Amur |
| Ilex opaca | Holly, American |
| Ostrya virginiana | Hophornbeam, American3494 |
| Carpinus betulus fastigiata | Hornbeam, Pyramidal European |
| Pyrus calleryana Bradford | Pear, Bradford Callery |
| Pyrus calleryana Capital | Pear, Capital |
| Pyrus calleryana Redspire | Pear, Redspire |
| Pyrus calleryana Whitehouse | Pear, Whitehouse |
| Corylus colurna | Turkish Filbert |
| Cladrastis lutea | Yellowwood |

C. Group C – Trees to be planted in street lawns less than thirty (30) inches wide:

| Botanical Name | Common Name |
|----------------------------------|---|
| <u>Amelanchier laevis cvs.</u> | <u>Allegheny Serviceberry cultivars</u> |
| <u>Acer ginnala</u> | <u>Amur Maple</u> |
| <u>Cornus mas</u> | <u>Cornelian Cherry</u> |
| <u>Malus cvs.</u> | <u>Crabapple cultivars</u> |
| <u>Lagerstroemia indica cvs.</u> | <u>Crepe Myrtle cultivars</u> |
| <u>Amelanchier arborea</u> | <u>Downy Serviceberry</u> |
| <u>Crataegus laevigata cvs.</u> | <u>English Hawthorn cultivars</u> |
| <u>Prunus x cvs.</u> | <u>Flowering Cherry cultivars</u> |

| | |
|--|------------------------------------|
| <u>Cornus florida cvs.</u> | <u>Flowering Dogwood cultivars</u> |
| <u>Laburnum x watereri</u> | <u>Goldenchain tree</u> |
| <u>Prunus subhirtella cvs.</u> | <u>Higan Cherry cultivars</u> |
| <u>Syringa reticulata 'Ivory Silk'</u> | <u>Ivory Silk Tree Lilac</u> |
| <u>Acer palmatum cvs.</u> | <u>Japanese Maple cultivars</u> |
| <u>Acer griseum</u> | <u>Paperbark Maple</u> |
| <u>Prunus cerasifera</u> | <u>Purpleleaf Plum</u> |
| <u>Amelanchier canadensis cvs.</u> | <u>Shadblow cultivars</u> |
| Malus baccata | Siberian Crabapple |
| Magnolia stellata | Star Magnolia |
| Magnolia virginiana | Sweetbay Magnolia |
| Malus hupehensis | Tea Crabapple |
| Crataegus viridis 'Winter King' | Winter King Hawthorn |

| Botanical Name | Common Name |
|--|------------------------------|
| Prunus accolade | Cherry, Accolade Flowering |
| Prunus serrulata Amanogawa | Cherry, Amanogawa |
| Cornus mas | Cherry, Cornelian |
| Malus theifera (hupehensis) | Crab, Tea |
| Malus baccata columnaris | Crabapple, Columnar Siberian |
| Malus Van Eseltine | Crabapple, Van Eseltine |
| Cornus kousa | Dogwood, Kousa |
| Cornus florida | Dogwood, White Flowering |
| Koelreuteria paniculata | Golden Rain Tree |
| Crataegus oxyacantha Superba | Hawthorn, Crimson Cloud |
| Crataegus Lavalley | Hawthorn, Lavalley |
| Crataegus cordata Tree Form | Hawthorn, Washington |
| Crataegus viridis Water King | Hawthorn, Winter King |
| Syringa amurensis japonica Ivory Silk | Ivory Silk Tree Lilac |
| Syringa amurensis japonica | Japanese Tree Lilac |
| Acer ginnala Flame | Maple, Amur |
| Acer campestre | Maple, Hedge |
| Acer Palmatum | Maple, Japanese |
| Prunus cerasifera Newport | Plum, Newport Purpleleaf |
| Cercis Canadensis | Redbud, American |
| Amelanchier Cumulus | Shadblow, Cumulus |
| Amelanchier canadensis Robin Hill Pink | Shadblow, Pink |
| Halesia Carolina | Silverbell, Carolina |
| Oxydendrum arboretum | Sourwood |

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 6. This Ordinance shall take effect upon final passage and publication as provided by law subject to a copy being filed with the Middlesex County Planning Board.

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

There was no Public or Council discussion of this Ordinance.

As Councilman Dalina and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE REPEALING AND REPLACING CHAPTER 77 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "PEDDLING AND SOLICITING".**

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-12-2015-027

UPON MOTION made by Councilwoman Schneider 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 97 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "TREE PRESERVATION"**.
ORDINANCE as follows (O-12-2015-028)

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that the Code of the Township of Monroe, Chapter 97 entitled, "Tree Preservation" shall be amended and supplemented as hereinbelow set forth:

TREE PRESERVATION

SECTION 1.

§ 97-1. Findings; purpose.

§ 97-2. Definitions.

§ 97-3. Establishment of Conservation Officer.

§ 97-4. Cutting or removal restricted.

§ 97-5. Tree removal permit.

§ 97-6. Tree eEscrow fFund established.

§ 97-7. Replacement trees.

§ 97-8. Criteria for removal without replacement trees.

§ 97-9. Enforcement.

§ 97-10. Violations and penalties.

§ 97-11. Appeal.

§ 97-12. Severability.

§ 97-13. Repealer.

§ 97-14. Effective date.

§ 97-1. Findings; purpose.

The Township Council of the Township of Monroe finds that indiscriminate, uncontrolled and excessive destruction, as well as the removal and cutting of trees on lots and tracts of land within the tTownship may cause:

- A. Increased drainage control cost.
- B. Increased soil erosion and sedimentation.
- C. Decreased fertility of the soil.
- D. Degradation of water resources.
- E. Decreased groundwater recharge.
- F. Increased buildup of atmospheric carbon.
- G. The establishment of a heat island effect.
- H. Increased dust and pollution.
- I.

This could impact the character of the tTownship and decrease property values, and render the land unfit and unsuitable for its most appropriate use and adversely affect the health, safety

and welfare of the inhabitants of the Township. The Township desires to regulate and control indiscriminate and excessive cutting of trees within the Township. The Township strives to preserve the maximum possible number of trees within the Township as well as to protect larger, older specimens of trees, and in addition, to promote the preservation of existing trees and to provide a plan for replacement of trees.

It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources; and a correlation between increased air pollution and high density residential and commercial or industrial uses. Therefore, the Township finds that the appropriate management of these resources is an important health, safety and general welfare concern.

§ 97-2. Definitions.

The following words and expressions used in this Chapter shall have the following meanings, unless the context clearly indicates a different meaning:

CLEAR CUTTING - The removal of all standing trees on a lot or portion of a lot.

DIAMETER AT POINT OF MEASUREMENT - The diameter of a tree measured four and one-half (4-1/2) feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan, shall be measured twelve (12) inches above ground level for trees over a four (4) inch caliper. The measurement shall be six (6) inches above grade for trees up to four (4) inch caliper (nursery method). Diameter at point of measurement may appear as the abbreviation "DPM."

MANAGEMENT PLAN - Plan for the management of timbered or forested lands developed by the New Jersey Department of Environmental Protection, Bureau of Forestry, or similar state or federal agency or the Township Forester.

MUNICIPAL TREE PLANTING PLAN - A specific plan adopted by the Township Council of the Township of Monroe for the location and placement of trees on public property.

REPLACEMENT TREE - A nursery grown certified tree, property balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen.

SPECIMEN TREE – ~~Any tree with a DPM of thirty-six (36) inches or greater and any tree~~ Any of the following trees that reach the indicated diameter/circumference* and any tree designated by the Township Council as a historic tree or landmark tree and such other trees or species of tree as Council may, from time to time, designate as a Specimen Tree. ~~[Amended 4-1-02 by Ord. No. 0-4-2002-013]~~

| Tree Species, Cultivar or Variety | Diameter | Circumference |
|-----------------------------------|----------|---------------|
| Abies concolor | 14 ½ " | 45" |
| Acer campestre | 25" | 78" |
| A. nigrum | 25" | 78" |
| A. platanoides | 28 ¾" | 90" |
| A. rubrum | 33 ½" | 105" |
| A. saccharinum | 50" | 157" |
| A. saccharum | 25" | 78" |
| Aesculus hippocastanum | 14 ½" | 45" |
| A. octandra | 19 ¾" | 62" |
| Betula nigra | 33 ½" | 105" |
| B. pendula | 25" | 78" |
| Carya ovata | 14 ½" | 45" |

| | | |
|---|-------|------|
| Fagus grandifolia | 17" | 53" |
| F. sylvatica | 22 ½" | 70" |
| Fraxinus americana | 25" | 78" |
| F. pennsylvanica lanceolata | 28 ¾" | 90" |
| Gleditsia triacanthos inermis | 28 ¾" | 90" |
| Gymnocladus dioicus | 28 ¾" | 90" |
| Ilex opaca | 14 ½" | 45" |
| Juglans nigra | 28 ¾" | 90" |
| Liquidambar styraciflua | 25" | 78" |
| Liriodendron tulipifera | 40 ½" | 127" |
| Nyssa sylvatica | 25" | 78" |
| Picea abies | 30" | 94" |
| P. pungens 'Glauca' | 22 ½" | 70" |
| Pinus nigra | 25" | 78" |
| P. resinosa | 22 ½" | 70" |
| P. strobus | 23 ¼" | 73" |
| P. sylvestris | 28 ¾" | 90" |
| Platanus occidentalis | 28 ¾" | 90" |
| Prunus serotina | 25" | 78" |
| Pseudotsuga menziesii | 22 ½" | 70" |
| Pyrus calleryana 'Bradford' | 33 ½" | 105" |
| Quercus alba | 19 ¾" | 62" |
| Q. coccinea | 25" | 78" |
| Q. imbricaria | 19 ¾" | 62" |
| Q. palustris | 28 ¾" | 90" |
| Q. prinus | 22 ½" | 70" |
| Q. rubra | 28 ¾" | 90" |
| Q. shumardii | 33 ½" | 105" |
| Q. velutina | 28 ¾" | 90" |
| Tilia americana | 30 ¼" | 95" |
| T. cordata | 33 ½" | 105" |
| Ulmus americana | 33 ½" | 105" |
| *Diameter/Circumference in inches at 4.5 feet above ground level on uphill side | | |

TREE - Any deciduous or coniferous species which reaches a typical mature height of twelve (12) feet or more, and has a typical DPM of four (4) inches or greater at maturity.

TREE REMOVAL AND REPLACEMENT PLAN - A specific plan for replacement of removed trees in accordance with the provisions of this eChapter.

TREE REMOVAL PERMIT - License issued by the Conservation Officer of the Township of Monroe to remove or destroy a tree or trees.

§ 97-3. Establishment of Conservation Officer.

There shall be appointed and designated an official whose formal title shall be that of "Conservation Officer of the Township of Monroe." This official shall be charged with the inspection of sites for which applications are filed under this eChapter, and the administration and enforcement of the tree removal and protection requirements of this eChapter.

§ 97-4. Cutting or removal restricted.

Subject to the exemptions set forth herein, no person shall cut or remove, or cause to be cut or removed, any tree upon any lands within the ~~†~~Township, unless the cutting or removal is accomplished in accordance with the provisions of this ~~e~~Chapter.

§ 97-5. Tree removal permits.

A. Permit Required.

- (1) No person shall remove or destroy or cause to be or allow to be removed or destroyed any tree of four (4) inch caliper or larger without first obtaining a tree removal permit unless exempt under this Chapter. Tree removal permits shall be issued by the Conservation Officer. .
- (2) Where the tree removal is for the construction of any building, driveway, recreation area or anything else for which a building permit is required, no building permit shall issue until the applicant, unless exempt, has obtained any permit(s) required under this ~~e~~Chapter.
- (3) Where a tree is proposed to be removed in conjunction with an application for development that requires site plan approval, the provisions of Section 108-11 of the ~~†~~Township's Land Development Ordinance shall apply in lieu of the requirement for a tree removal permit.
- (4) Where a tree is proposed to be removed from the Township right-of-way or Shade Tree Easement area or within any planned development within the Township's boundaries, the permit requirement provisions of Section 96-3 of the Township's Code and the tree replacement provisions of this Chapter shall apply.

B. Permit application. Applications for a permit shall be made to the Conservation Officer and shall contain the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the property from which the tree(s) are to be removed.
- (3) Location on the property of the tree(s) to be removed, indicated on the Tree Removal and Replacement Plan.
[Amended 4-1-02 by Ord. No. 0-4-2002-013]
 - (a) The plan shall indicate all tree(s) to be removed, specifically by an assigned number, and the caliper of each tree.
 - (b) The plan shall indicate all tree(s) to remain, and proposed replacement trees, specifically by an assigned number.
[Amended 4-1-02 by Ord. No. 0-4-2002-013]
 - (c) In lieu of (a) and (b), for any clearing greater than three (3) acres, or where determined to be appropriate by the Conservation Officer for any clearing of less than three (3) acres where the property is heavily wooded, a representative five percent (5%) sampling of the wooded areas proposed to be cleared shall be inventoried. The representative five percent (5%) shall be determined by agreement between the Conservation Officer and the applicant, provided that all ~~s~~Specimen-~~†~~Trees shall be indicated on the plan.
 - (d) All reasonable efforts shall be made to preserve ~~s~~Specimen-~~†~~Trees, including but not limited to, if feasible, relocation of infrastructure, roadways, and buildings. Removal of ~~s~~Specimen-~~†~~Trees shall require the specific written recommendation of the Conservation Officer and approval of the Township Council.
[Amended 41-02 by Ord. No. 0-4-2002-013]
 - (e) The plan shall indicate a limit of disturbance line (i.e., where a four (4) foot high standard wood snow fence will be erected if required by the Conservation Officer.)

- (4) Any other information which may reasonably be required to enable the application to be properly evaluated including, but not limited to, a description of the purpose for which this application is to be made; e.g. clearing land for agricultural use, harvesting timber, fire protection, private parks, scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, or drainage of surface water.
- C. Inspection required. The Conservation Officer or his designee shall inspect the trees and the property which are the subject of the permit application, for the purpose of enforcing this ~~e~~Chapter.
- D. Exemption from chapter. Any destruction or removal of trees, except ~~s~~Specimen ~~t~~Trees, shall be exempt from the provisions of this chapter if the trees sought for destruction or removal are:
- (1) Growing on property actually being used as a nursery, garden center or orchard.
 - (2) Removed in accordance with a "management plan" approved by the New Jersey Department of Environmental Protection ("~~DEP~~") and approved by the Environmental Commission and Conservation Officer.
 - (3) Located on a working farm and either cleared in accordance with a soil conservation plan approved by the Department of Environmental Protection, or exempted from DEP requirements. ~~Agricultural operations are exempt from replacement requirements provided the property in question is farmed for a minimum of five (5) years after the date of clearing. An application must be submitted prior to clearing. If the property is developed for any other use before the five (5) years expires, the replacement obligation shall be enforced according to the new use of the property.~~
 - ~~(4) Located on property of less than one (1) acre, provided no more than five (5) trees per year are to be removed.~~
 - (4) Less than four (4) inches in caliper.
- E. Fees. Upon application for a tree removal permit, the applicant shall be charged the following fees:
- ~~(1) Fifteen dollars (\$15.) per tree to be removed, up to a maximum of six hundred dollars (\$600.) per acre, or part thereof, to be cleared. Application: Twenty-five dollars (\$25).~~
 - (2) For new residential building lots: after the first five (5) trees, fifteen dollars (\$15) per tree, up to a maximum of three hundred dollars (\$300) per lot, irrespective of lot size.
 - (3) For all other properties: after the first five trees, fifteen dollars (\$15) per tree to be removed, up to a maximum of six hundred dollars (\$600) for each acre, or part thereof, to be cleared.
 - ~~(4) These fees are in addition to any replacement tree obligations or in-lieu contributions as provided in Section 97-7.~~
- F. Time limit. All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and ~~is subject to the payment of new fees. If, however, applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to two (2) six (6) month periods. A renewal fee of seventy-five dollars (\$75.) shall be due and payable for each renewal.~~ the applicant is again subject to the fees set forth in § 96-3 (B)(4) and this Article.

§ 97-6. Tree ~~e~~Escrow ~~f~~Fund established.

A ~~t~~Tree ~~e~~Escrow ~~f~~Fund shall be established by the ~~t~~Township to ~~promote environmental enhancement programs such as tree planting, tree preservation, park plantings, landscaping and/or other related projects on or within publicly owned properties or facilities.~~ A separate trust account shall be established to receive and disburse replacement tree contributions under the supervision of the Township Treasurer. Appropriations from the ~~t~~Tree ~~e~~Escrow ~~f~~Fund shall be authorized by the Mayor and Council and shall be used in accordance with the municipal tree planting plan~~-, taking into consideration the~~

recommendations of the Conservation Officer and/or the Shade Tree Commission.

§ 97-7. Replacement trees.

Any tree removed pursuant to this ~~e~~Chapter, unless exempt under Section 97-8 or Section 97-5(D), shall be replaced based on the following:

| A. <u>Trees to be Removed</u> | Caliper | # of Trees | <u>Replacement Trees</u> | |
|-------------------------------|--------------------------------|------------|--------------------------|-------------|
| | | | Caliper or Dollar Amount | |
| (1) | Greater than 4" and up to 12" | 1 | 2 — 2 1/2" | \$ 240.00 |
| (2) | Greater than 4" and up to 12" | 1 | 3 1/2" — 4" | \$ 480.00 |
| (1) | Greater than 12" and up to 18" | 2 | 2" — 2 1/2" | \$ 440.00 |
| (1) | Greater than 18" and up to 24" | 2 | 3" | \$ 840.00 |
| (1) | Greater than 24" | 4 | 3" | \$ 1,680.00 |

B. The applicant will receive a one for one replacement tree credit should stands of ten (10) or more trees greater than four (4) inches in caliper be preserved within the limit of disturbance line.

C. All replacement trees shall be planted on-site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:

- (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of the unreplaced trees to the ~~t~~Tree ~~e~~Escrow ~~f~~Fund, or
- (2) The Conservation Officer and applicant agree in writing that the applicant shall make payment to the ~~t~~Tree ~~e~~Escrow ~~f~~Fund based upon the above chart, or
- (3) The Conservation Officer and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal tree planting plan.

D. Tree replacements should conform to the recommended plantings set forth in §96-13 unless otherwise approved by the Conservation Officer.

§ 97-8. Criteria for tree removal without replacement trees.

A. Existing ~~developed residential~~ property.

(a) If the application is on behalf of an existing ~~homeowners association or a~~ developed property not exempt from the provisions of this ~~e~~Chapter, and it is disclosed that the total number of trees, other than ~~s~~Specimen ~~t~~Trees, to be removed or destroyed on the property ~~or open space area in question~~ which is the subject of the application, is ten (10) or less, the permit shall be issued without replacement trees ~~being~~ required. Within any one (1) year period, permits may be used for removal of a total of no more than ten (10) trees on the same property without replacement trees being required. ~~Any tree removal occurring where a homeowners association exists must present formal approval by the ruling body of the Association or its designee prior to obtaining a tree removal permit.~~

B. ~~Other exemptions~~ New residential development.

(1) If the application is for a ~~new residential~~ development (~~subdivisions or site plans~~), or for which a ~~subdivision application is required under the municipal land use law or for which a~~ building permit to construct a new single or two-family dwelling on an individual lot is required, up to fifty percent (50%) of the trees ~~on an individual lot~~ may be removed for the purpose of clearing for the ~~proposed~~ building envelope, driveways(~~s~~) and ~~usable~~ yard space for said ~~on the~~ building lots(~~s~~) only, without replacement trees ~~being~~ required.

(2) If the application is for a ~~new residential~~ development for which site plan approval is required under the municipal land use law, all tree removal shall be controlled by the provisions of Section 108-11 of the ~~t~~Township's Land Development Ordinance.

However the provisions of this Chapter, where not inconsistent with the Residential Site Improvement Standards Act ("RSIS"), shall guide the Board hearing the application.

~~(3) Any tree removed from an area of property to be dedicated as public improvement, e.g. drainage facilities and public roadways, shall be exempt from the replacement provisions of this chapter, except that where private roadways, parking areas or open space are proposed, all trees are subject to replacement in accordance with this chapter.~~

D. Other criteria.

- (1) The Conservation Officer shall approve the removal of a tree, except a ~~Specimen Tree~~, without requiring replacement trees or payment into the ~~Tree Escrow Fund~~, if the following criteria apply:
 - (a) The tree is located on a parcel for which preliminary or final subdivision or site plan approval was obtained prior to the adoption of Ordinance No. 0-9-98-039 and it cannot be relocated on the site because of its age, type or size; or
 - (b) The tree is dead, diseased, injured, in danger of falling, interferes with existing utility service, creates an unsafe condition, or its continued presence conflicts with any other Ordinances or regulations.
- (2) No Specimen Tree shall be removed unless the Conservation Officer has obtained the approval of the Township Council.

§ 97-9. Enforcement.

The requirements of this ~~Chapter~~ shall be enforced by the Conservation Officer, who shall inspect or require adequate inspection of all sites upon which there is an application for tree removal. The Conservation Officer shall oversee all applicable tree removal or destruction and soil removal incidental thereto. Upon ascertaining a violation of this ~~Chapter~~, the Conservation Officer shall refer charges in the Municipal Court as provided in this ~~Chapter~~. In addition to other remedies, the Conservation Officer, Zoning Officer, Construction Official, or other proper municipal official, may institute any appropriate legal action to prevent a continuing violation of the terms of this ~~Chapter~~.

§ 97-10. Violations and penalties.

Any person, firm, partnership, association or other legal entity violating or causing to be violated any of the provisions of this ~~Chapter~~ shall be subject to a fine of not less than two hundred fifty dollars (\$250.) and not more than ~~one two~~ thousand dollars (~~\$1,000~~ 2,000.) and shall replace each tree destroyed or removed in violation of this ~~Chapter~~ ~~in accordance with the nursery grown tree(s) of the same species having a caliper of not less than two (2) inches. tree replacement provisions of this chapter.~~ Each tree destroyed or removed in violation of this ~~Chapter~~ shall be considered a separate offense.

§ 97-11. Appeal.

Any applicant or permit holder, or any person otherwise aggrieved under this ~~Chapter~~, may appeal to the Township Council any decision of the Township Conservation Officer by filing written notice with the Township Clerk within ten (10) days of said decision. The Township Council is hereby authorized and empowered in such cases to hear and fully decide and dispose of such matters. The Township Council shall hold a public hearing thereon and act upon the same no later than sixty (60) days after the notice has been filed, unless the applicant requests, and the Township Council consents to extend the time for such action.

§ 97-12. Severability.

If any section, paragraph, subdivision, clause or provision of this ~~Chapter~~ shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this ~~Chapter~~ shall be deemed valid and effective.

§ 97-13. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ~~Chapter~~ shall be and the same are hereby repealed. If any section, subdivision, sentence, clause or provision of this ~~Chapter~~ shall be adjudged invalid, such adjudications shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the

Chapter shall be deemed valid and effective.

§ 97-14. Effective date.

This Chapter shall take effect upon final passage and publication as provided by law.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

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

There was no Public or Council discussion of this Ordinance.

As Councilwoman Schneider 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 97 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "TREE PRESERVATION"**.

| | | |
|------------|--------------------------------------|-----|
| 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-12-2015-028

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 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT", SPECIFICALLY ARTICLE XVII ENTITLED, "TREE REMOVAL"**.

ORDINANCE as follows (O-12-2015-029)

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Code of the Township of Monroe, Chapter 108 entitled, "Land Development", shall be amended and supplemented as hereinbelow set forth:

ARTICLE XVII Tree Removal
~~[Adopted 9-9-98 by Ord. No. 0-9-98-039]~~

SECTION 1.

§ 108-17.1. Purpose.

The Township Council of the Township of Monroe finds that indiscriminate, uncontrolled, and excessive destruction, as well as the removal and cutting of trees on lots and tracts of land within the Township, may cause:

- A. Increased drainage control cost;
- B. Increased soil erosion and sedimentation;
- C. Decreased fertility of the soil;
- D. Degradation of water resources;
- E. Decreased groundwater recharge;
- F. Increased buildup of atmospheric carbon;

- G. The establishment of a heat island effect;
- H. Increased dust and pollution.

This could impact the character of the Township and decrease property values, and render the land unfit and unsuitable for its most appropriate use and adversely affect the health, safety and general welfare of the inhabitants of the Township. The Township desires to regulate and control indiscriminate and excessive cutting of trees within the Township. The Township strives to preserve the maximum possible number of trees in the course of development of a site as well as protect larger, older specimens of trees, and in addition, to encourage innovative design and grading, promote the preservation of existing trees and provide a plan for replacement of trees.

It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources; and a correlation between increased air pollution and high density residential and commercial or industrial uses. Therefore, the Township finds that the appropriate management of these resources is an important health, safety and general welfare concern.

SECTION 2. § 108-17.2. Definitions.

The following words and expressions used in this Article shall have the following meanings, unless the context clearly indicates a different meaning:

CLEAR CUTTING - The removal of all standing trees on a lot or portion of a lot.

CONSERVATION OFFICER - The individual appointed by the Mayor pursuant to §108-17.3, or his or her designee.

DIAMETER AT POINT OF MEASUREMENT - The diameter of a tree measured four and one-half (4-1/2) feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan, shall be measured twelve (12) inches above ground level for trees over a four (4) inch caliper. The measurement shall be six (6) inches above grade for trees up to four (4) inch caliper (nursery method). Diameter at point of measurement may appear as the abbreviation "DPM."

DRIPLINE - A limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six (6) feet from the trunk, whichever is greater.

HOMEOWNERS ASSOCIATION - A community association which is organized in a development in which individual owners share common interests in open space or facilities.

REPLACEMENT PLAN - A specific plan for replacement of removed trees in accordance with the provisions of this ~~chapter~~ Article.

REPLACEMENT TREE - A nursery grown certified tree, properly balled, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by American Association of Nurserymen.

SELECTIVE CUTTING - The removal of larger trees on an individual basis while leaving trees of lesser size.

SILVICULTURE - The management of any wooded tract of land to insure the continued survival and welfare whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry.

SLASH — The forest debris remaining after a tree removal operation.

SPECIMEN TREE — ~~Any tree with a DPM of eighteen (18) inches or greater.~~ Any of the following trees that reach the indicated diameter/circumference*, and any tree designated by the Township Council as a historic tree or landmark tree, and such other trees or species of tree as the Council may, from time to time, designate as a Specimen Tree.

| Tree Species, Cultivar or Variety | Diameter | Common Name | Circumference |
|-----------------------------------|----------|-------------|---------------|
| Abies concolor | 14 ½ " | | 45" |

| | | | |
|-------------------------------|---|--|------|
| Acer campestre | 25" | | 78" |
| A. nigrum | 25" | | 78" |
| A. platanoides | 28 ¾" | | 90" |
| A. rubrum | 33 ½" | | 105" |
| A. saccharinum | 50" | | 157" |
| A. saccharum | 25" | | 78" |
| Aesculus hippocastanum | 14 ½" | | 45" |
| A. octandra | 19 ¾" | | 62" |
| Betula nigra | 33 ½" | | 105" |
| B. pendula | 25" | | 78" |
| Carya ovate | 14 ½" | | 45" |
| Fagus frandifolia | 17" | | 53" |
| F. sylvatica | 22 ½" | | 70" |
| Fraxinus Americana | 25" | | 78" |
| F.pennsylvanica lanceolata | 28 ¾" | | 90" |
| Gleditsia triacanthos inermis | 28 ¾" | | 90" |
| Gymnocladus dioicus | 28 ¾" | | 90" |
| Ilex opaca | 14 ½" | | 45" |
| Juglans nigra | 28 ¾" | | 90" |
| Liquidambar styraciflua | 25" | | 78" |
| Liriodendron tulipifera | 40 ½" | | 127" |
| Nyssa sylvatica | 25" | | 78" |
| Picea abies | 30" | | 94" |
| P. pungens 'Glauca' | 22 ½" | | 70" |
| Pinus nigra | 25" | | 78" |
| P. resinosa | 22 ½" | | 70" |
| P. strobus | 23 ¼" | | 73" |
| P. sylvestris | 28 ¾" | | 90" |
| Platanus occidentalis | 28 ¾" | | 90" |
| Prunus serotina | 25" | | 78" |
| Pseudotsuga menziesii | 22 ½" | | 70" |
| Pyrus calleryana 'Bradford' | 33 ½" | | 105" |
| Quercus alba | 19 ¾" | | 62" |
| Q. coccinea | 25" | | 78" |
| Q.imbricaria | 19 ¾" | | 62" |
| Q. palustris | 28 ¾" | | 90" |
| Q. prinus | 22 ½" | | 70" |
| Q. rubra | 28 ¾" | | 90" |
| Q. shumardii | 33 ½" | | 105" |
| Q. velutina | 28 ¾" | | 90" |
| Tilia americana | 30 ¼" | | 95" |
| T. cordata | 33 ½" | | 105" |
| Ulmus americana | 33 ½" | | 105" |
| | *Diameter/Circumference in inches at 4.5 feet above ground level on uphill side | | |

THINNING — The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of the remaining trees on the lot.

TREE — Any deciduous or coniferous species which reaches a typical mature height of twelve (12) feet or more at maturity, and has a typical DPM of four (4) inches or greater.

WOODED ACRES PERMITTED FOR DEVELOPMENT — Those wooded lands within a lot or tract which are not specifically excluded by any general, state, county or municipal law or ordinance, deed restriction or covenant running with the land. For purposes of this ~~chapter~~ **Article**, those lands specifically eliminated from considerations as wooded acres permitted for development include, but are not limited to, wetlands as defined by N.J.S.A. 13-9B-1 et seq.

§ 108-17.3. Establishment of Conservation Officer.

There shall be appointed and designated, an official whose formal title shall be that of "Conservation Officer of the Township of Monroe." This official shall be charged with the inspection of sites upon which there is an application for site plan approval or for subdivision approval in regard to the provisions of this Article, and with inspection and enforcement of the tree removal and protection requirements of the Code.

§ 108-17.4. Cutting or removal restricted.

Subject to the exemptions set forth, no person shall cut or remove, or cause to be cut or removed, any tree with a diameter at point of measurement (DPM) of four (4) inches or greater upon any lands within the ~~T~~Township, unless the cutting or removal is accomplished in accordance with the provisions of this Article.

§ 108-17.5. Tree removal.

A. Permit Required.

- (1) No person shall remove or destroy or cause ~~to be~~ or allow to be removed or destroyed any tree **of four (4) inch caliper or larger** without first obtaining a tree removal permit. Tree removal permits shall be issued by the **Conservation Officer**. ~~Planning Administrator or designee. A permit is required for the removal of all trees of four (4) inch caliper or larger.~~
- ~~(2) Single family existing residential property shall be exempt from the requirements of this Article, provided that said homeowner is clearing one (1) acre or less of his property.~~

B. Permit application. Applications for a permit shall be made to the **Planning Administrator Conservation Officer** and shall contain the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the owner of the property from which the tree(s) are to be removed.
- (3) Location on the property of the tree(s) to be removed, indicated on a plan.
 - (a) The plan shall indicate all tree(s) to be removed, specifically by an assigned number, and the caliper of each tree.
 - (b) The plan shall indicate all tree(s) to remain, specifically by an assigned number.
 - (c) The plan shall indicate a limit of disturbance line (i.e., where the four (4) foot high standard wood snow fence will be erected if required by the Conservation Officer).
 - (d) For any clearing greater than three (3) acres, a representative five percent (5%) of the wooded areas proposed to be cleared shall be inventoried. The representative five percent (5%) shall be determined by agreement between the Conservation Officer and the applicant. Where less than three (3) acres is proposed to be cleared all trees to be removed shall be inventoried.
 - (e) All trees greater than twenty (20) inches in caliper or any ~~Specimen Trees (i.e., any unique or remarkable tree or species)~~ **Specimen Trees** to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees, including but not limited to, if feasible, relocation of infrastructure, roadways, and buildings. Removal of such trees shall require the specific written approval of the Conservation Officer.
- (4) Any other information which may reasonably be required to enable the application

to be properly evaluated, in the sound discretion of the ~~Planning Administrator~~
~~Conservation Officer~~.

- C. Inspection required. The Conservation Officer or designee shall inspect the trees which are the subject of the application, the drainage incidental thereto, other physical conditions existing on the property, and the impact upon adjacent properties.
- D. Building permit requirements. Where an application is made in connection with the construction of a building or other land use improvement, no building permit shall be issued until the tree removal permit has been granted, or an exemption granted.
- E. Replacement tree requirements.
 - (1) Existing residential property.
 - (a) ~~Homeowners associations~~. If the application is on behalf of an existing homeowners association ~~or a developed property not exempt from the provisions of this Article~~ and it is disclosed that the total number of trees, ~~other than Specimen Trees~~, to be removed or destroyed on the property or open space area in question, which ~~are is~~ the subject of the application, is ten (10) or less, the permit shall be issued without replacement trees required. Within a one (1) year period, permits may be used for removal of no more than ten (10) trees on the same property without replacement trees being required. Any tree removal occurring where a homeowners association exists must obtain formal approval by the ruling body of the association or its designee prior to obtaining a tree removal permit.
 - (2) New residential development.
 - (a) If the application is on one acre or less for a new residential development (subdivisions or site plans), ~~or for which a building permit to construct a new single or two-family dwelling on an individual lot is required~~, up to fifty percent (50%) of the trees may be removed for the purpose of clearing for the building envelope, driveways and yard space for said building lot(s) only without replacement trees required.

If the application is on more than one acre for a new residential development (subdivisions or site plans), or for which a building permit to construct a new single or two-family dwelling on an individual lot is required, up to 20,000 square feet of the trees may be removed for the purpose of clearing for the building envelope, driveways and yard space for said building lot(s) only without replacement trees required.
 - (b) For new residential development where tree removal is to occur within public or private roadways or rights-of-way, drainage facilities, parking areas or proposed open space, all trees are subject to replacement in accordance with this Article.
 - (c) ~~If the application is for a new residential development for which site plan approval is required under the municipal land use law, all tree removal shall be controlled by the provisions of Section 108-11 of the Township's Land Development Ordinance. However the provisions of this Article where not inconsistent with the Residential Site Improvement Standards Act ("RSIS"), shall guide the Board hearing the application.~~
 - (3) Agricultural operations. Agricultural operations are exempt from replacement requirements providing the property in question is farmed for a minimum of five (5) years after the date of clearing. An application must be submitted prior to clearing. If the property is developed for any other use before the five (5) years expire, the replacement obligation shall be enforced according to the new use of the property.
 - (4) Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with this Article.
 - (5) Sparse land/major subdivisions and site plans. In regard to major subdivisions and site plans, lots with tree cover less than thirty percent (30%) shall be required to plant a minimum of 1.5 trees per ten thousand (10,000) square feet or less of open field. The owner/applicant shall have a landscape architect or licensed surveyor calculate the total required trees to be distributed in accordance with a landscape plan of the entire project, which shall be approved by the Conservation Officer.
 - (2) New residential development.
 - (a) If the application is on one acre or less for a new residential development (subdivisions or site plans), ~~or for which a building permit to construct a new single or two-family dwelling on an individual lot is required~~, up to fifty percent (50%) of the trees may be removed for the purpose of clearing for the building envelope, driveways and yard space for said building lot(s) only without replacement trees required.

If the application is on more than one acre for a new residential development (subdivisions or site plans), or for which a building permit to construct a new single or two-family dwelling on an individual lot is required, up to 20,000 square feet of the trees may be removed for the purpose of clearing for the building envelope, driveways and yard space for said building lot(s) only without replacement trees required.
 - (b) For new residential development where tree removal is to occur within public or private roadways or rights-of-way, drainage facilities, parking areas or proposed open space, all trees are subject to replacement in accordance with this Article.
 - (c) ~~If the application is for a new residential development for which site plan approval is required under the municipal land use law, all tree removal shall be controlled by the provisions of Section 108-11 of the Township's Land Development Ordinance. However the provisions of this Article where not inconsistent with the Residential Site Improvement Standards Act ("RSIS"), shall guide the Board hearing the application.~~
 - (3) Agricultural operations. Agricultural operations are exempt from replacement requirements providing the property in question is farmed for a minimum of five (5) years after the date of clearing. An application must be submitted prior to clearing. If the property is developed for any other use before the five (5) years expire, the replacement obligation shall be enforced according to the new use of the property.
 - (4) Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with this Article.
 - (5) Sparse land/major subdivisions and site plans. In regard to major subdivisions and site plans, lots with tree cover less than thirty percent (30%) shall be required to plant a minimum of 1.5 trees per ten thousand (10,000) square feet or less of open field. The owner/applicant shall have a landscape architect or licensed surveyor calculate the total required trees to be distributed in accordance with a landscape plan of the entire project, which shall be approved by the Conservation Officer.
- F. Tree Escrow Fund established. A Tree Escrow Fund shall be established by the ~~T~~Township to promote environmental enhancement programs such as tree planting, tree

preservation, park ~~development~~ plantings, landscaping and/or other related projects on or within municipally owned properties or facilities. A separate trust account shall be established to receive and disburse replacement tree contributions under the supervision of the Township Treasurer. Appropriations from the Tree Escrow Fund shall be authorized by the Mayor and Council and shall be used for a municipal purpose in accordance with the Municipal Tree Planting Plan, taking into consideration pursuant to the recommendations of the ~~Planning Administrator~~, Conservation Officer, and/or the Shade Tree Commission.

G. Replacement tree value calculations. The replacement value of all trees to be removed where replacement trees are required by this Article shall be calculated as follows:

| | | | | |
|-----|------------------------------|-------------------|----------------|----------------------|
| (1) | Trees to be removed. | | | |
| | <u>Caliper</u> | <u># of Trees</u> | <u>Caliper</u> | <u>Dollar Amount</u> |
| | Greater than 4" & up to 12" | 1 | 2 - 2 1/2" | \$ 240.00 |
| | Greater than 4" up to 12" | 1 | 3 1/2" - 4" | \$ 480.00 |
| | Greater than 12" & up to 18" | 2 | 2" - 2 1/2" | \$ 440.00 |
| | Greater than 18" & up to 24" | 2 | 3" | \$ 840.00 |
| | Greater than 24" | 4 | 3" | \$1,680.00 |

Dead and diseased trees are not counted as trees to be replaced. The value of proposed shade, ornamental, evergreen and shrub material shall be deducted from the calculated amount for replacement trees, not including those plantings otherwise required pursuant to land development provisions or as a condition of Planning or Zoning approval. The value of the proposed landscape material shall be calculated based upon average area material costs for planting.

- (2) The applicant will receive a one-for-one replacement tree credit should stands of ten (10) or more trees greater than four (4) inches in caliper be preserved within tree removal areas.
- (3) All replacement trees shall be planted on-site in accordance with the foregoing. However, unless if one (1) or more of the following conditions exist, some or all of the replacement trees may be planted off-site:
 - (a) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of the removed-unreplaced trees, minus the value of the proposed landscaping to the Township Tree Escrow Funds, as required herein, or
 - (b) Due to the unique site conditions, The Conservation Officer and applicant agree in writing that the applicant shall make payment to the Township Tree Escrow Fund based upon the above chart, or
 - (c) The Conservation Officer and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the Municipal Tree Planting Plan.
- (4) Tree replacements should conform to the recommended plantings set forth in §96-13 unless otherwise approved by the Conservation Officer.

H. Fees. Upon application for a tree removal permit, the applicant shall be charged the following fees:

- (1) ~~For new resident building lots: fifteen dollars (\$15.) per tree, up to a maximum of three hundred dollars (\$300.) per lot.~~ Application: Twenty-five dollars (\$25).
- (2) ~~For all other properties~~ For new residential building lots: After the first five trees, fifteen dollars (\$15.) per tree, up to a maximum of three six hundred dollars (~~\$3600.~~) for each per lot, acre, or part thereof to be cleared.
- ~~(2-3) For all other properties: after the first five trees, fifteen dollars (\$15.) per tree up to a maximum of six hundred dollars (\$600.) for each acre, or part thereof, to be cleared.~~
- (3) These fees are in addition to any replacement tree obligations or in-lieu contributions

as provided in Section 97-7.

- I. Time limit. All tree removal permits shall be limited to one (1) year from date of issuance. If the approved tree removal has not occurred within one (1) year, a new permit must be applied for and **the applicant is again** subject to the **payment of new** fees set forth in §96-3 (B)(4) and this Article.

§ 108-17.6. Criteria for tree removal.

The Conservation Officer may approve the removal of a tree if any of the following criteria apply:

- A. The tree is located in a parcel for which preliminary or final subdivision approval has been obtained, and it unreasonably restricts the economic enjoyment of the property and cannot be relocated on the site because of its age, type or size.
- B. The tree is dead, diseased, injured, in danger of falling, interferes with existing utility service, created an unsafe condition, or conflicts with any other ordinances or regulations.

§ 108-17.7. Enforcement.

The requirements of this Article shall be enforced by the Conservation Officer, who shall inspect or require adequate inspection of all sites upon which there is an application for site plan or subdivision; all applicable tree removal or destruction and soil removal incidental thereto; and for compliance with other pertinent conditions of approval from the Planning Board/Zoning Board. Upon ascertaining a violation of this Article, the Conservation Officer shall refer charges in the Municipal Court as provided in this Article. In addition to other remedies, the Construction Officer, the Planning Administrator, Building Inspector or other proper municipal official may institute any appropriate legal action to prevent a continuing violation of the terms of this Article.

§ 108-17.8. Violations and penalties.

Any person, **firm, partnership, association or other legal entity** violating or causing to be violated any of the provisions of this Article, shall be subject to a fine of not less than two hundred fifty dollars (\$250-) and not more than **fifteen-hundred two thousand** dollars (~~\$1,500~~ **\$2,000-**) and shall replace each tree destroyed or removed in violation of this Article with nursery grown tree(s) of the same species having a caliper of not less than two (2) inches. Each tree destroyed or removed in violation of this Article shall be considered a separate offense.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. This Ordinance shall take effect upon final passage and publication as provided by law subject to a copy being filed with the Middlesex County Planning Board.

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

There was no Public or Council 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 97 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, “TREE PRESERVATION”**

| | | |
|------------|--------------------------------------|-----|
| 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-12-2015-029

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

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

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

R-12-2015-325 RESOLUTION REFUNDING TAX OVERPAYMENTS.

R-12-2015-326 RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.

R-12-2015-327 RESOLUTION AUTHORIZING AWARD OF BID FOR THE SOCCER COMPLEX FENCE REPLACEMENT.

R-12-2015-328 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO BLUMIG KENNELS FOR THE HOUSING AND FEEDING OF STRAY ANIMALS FOUND WITHIN THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.

R-12-2015-329 RESOLUTION AUTHORIZING AWARD OF CONTRACT WITH CENTER STATE ENGINEERING FOR THE MONROE TOWNSHIP COMMUNITY GARDEN – PHASE 2.

R-12-2015-330 RESOLUTION AUTHORIZING CENTER STATE ENGINEERING TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR THE MONROE TOWNSHIP COMMUNITY GARDEN – PHASE 2.

R-12-2015-331 RESOLUTION AUTHORIZING AWARD OF CONTRACT WITH NORTHSTAR VETS FOR MEDICAL CARE OF STRAY ANIMALS FOUND WITHIN THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.

R-12-2015-332 RESOLUTION AUTHORIZING EXECUTION OF AN AFFORDABLE HOUSING HOMEOWNERSHIP ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT. (Block 14.13 Lot 59)

R-12-2015-333 RESOLUTION AUTHORIZING EXECUTION OF AN AFFORDABLE HOUSING HOMEOWNERSHIP ASSISTANCE LOAN REPAYMENT AGREEMENT WITH THE OWNER OF AN AFFORDABLE HOUSING UNIT. (Block 14.11 Lot 1)

R-12-2015-334 RESOLUTION AUTHORIZING BUDGET TRANSFERS.

R-12-2015-335 RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION WATER-SEWER UTILITY REFUNDING BONDS OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL ON DECEMBER 28, 2015, TO REFUND CERTAIN OUTSTANDING BONDS OF THE TOWNSHIP ISSUED IN 2003 AND 2005, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS.

R-12-2015-336 RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF SUSTAINABLE JERSEY GRANT APPLICATIONS.

R-12-2015-337 RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 SUBMITTED BY LEWIS-GRAHAM, INC. IN CONNECTION WITH THE RESTORATION AND RECONSTRUCTION PROJECTS FOR THE DEY FARMSTEAD.

R-12-2015-338 RESOLUTION CANCELING GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Dalina, the Special Meeting was Adjourned at 7:10pm and the regularly scheduled Agenda Meeting was Called to Order.

ROLL CALL:

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

Council President Tamburro requested the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, JANUARY 4, 2016** Regular Council meeting be reviewed and any questions will be addressed:

R-1-2016-003 RESOLUTION AUTHORIZING 2016 TEMPORARY BUDGET APPROPRIATIONS.

R-1-2016-004 RESOLUTION APPROVING THE 2016 CASH MANAGEMENT PLAN.

R-1-2016-005 RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS MATERIALS AND SERVICES THROUGH THE NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR THE YEAR 2016 WITH EXTENSIONS & ADDENDUMS.

R-1-2016-006 RESOLUTION DESIGNATING OFFICIAL TOWNSHIP NEWSPAPERS FOR CALENDAR YEAR 2016.

R-1-2016-007 RESOLUTION AUTHORIZING TAX COLLECTOR TO HOLD TAX SALES DURING CALENDAR YEAR 2016.

R-1-2016-008 RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES FOR CALENDAR YEAR 2016.

R-1-2016-009 RESOLUTION DESIGNATING THE SCHEDULE OF PUBLIC MEETINGS OF THE TOWNSHIP COUNCIL FOR CALENDAR YEAR 2016.

R-1-2016-010 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO NORTH AMERICAN INSURANCE MANAGEMENT CORPORATION FOR INSURANCE CONSULTING AND PRODUCER SERVICES FOR COMMERCIAL INSURANCE RISK MANAGEMENT AND EMPLOYEE BENEFITS INSURANCE FOR CALENDAR YEAR 2016.

R-1-2016-011 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO THE FIRM OF CENTER STATE ENGINEERING ASSOCIATES, INC. FOR MAINTENANCE OF TAX MAPS FOR THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.

R-1-2016-012 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO HODULIK AND MORRISON, P.A. AS MUNICIPAL AUDITORS FOR THE TOWNSHIP OF MONROE TO PERFORM AUDITING SERVICES IN 2016 FOR PRIOR YEAR.

R-1-2016-013 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO THE FIRM OF CENTER STATE ENGINEERING ASSOCIATES, INC. FOR GENERAL ENGINEERING SERVICES WITHIN THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.

R-1-2016-014 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO CHESTNUT ARBORICULTURAL & FORESTRY SERVICES, LLC AS TREE EXPERTS FOR THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.

R-1-2016-015 RESOLUTION AUTHORIZING AWARD OF CONTRACT TO MCR APPRAISALS FOR RESIDENTIAL PROPERTY REAL ESTATE APPRAISAL SERVICES FOR CALENDAR YEAR 2016.

- R-1-2016-016** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO STERLING DISANTO & ASSOCIATES, LLC FOR COMMERCIAL PROPERTY REAL ESTATE APPRAISAL SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-017** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO NEW JERSEY ADVISORY GROUP FOR COMMERCIAL PROPERTY REAL ESTATE APPRAISAL SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-018** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO GAGLIANO APPRAISAL, LLC FOR RESIDENTIAL AND COMMERCIAL PROPERTY REAL ESTATE APPRAISAL SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-019** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO BETTINA DURMASKIN SHOLK REAL ESTATE APPRAISAL FOR FARMLAND PROPERTY REAL ESTATE APPRAISAL SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-020** RESOLUTION RECOGNIZING THE SELECTION OF QUALIFIED FIRMS TO PERFORM VARIOUS PROFESSIONAL SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR CALENDAR YEAR 2016.
- R-1-2016-021** RESOLUTION AUTHORIZING THE AWARD CONTRACT TO DYNAMIC TESTING SERVICE FOR MEDICAL, EDUCATIONAL AND ADMINISTRATIVE SERVICES RELATED TO THE DEVELOPMENT OF THE TOWNSHIP'S SUBSTANCE AND ALCOHOL MISUSE POLICY AND TESTING SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-022** RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PRINCETON HEALTHCARE SYSTEM FOR OCCUPATIONAL MEDICAL SERVICES FOR CALENDAR YEAR 2016.
- R-1-2016-023** RESOLUTION AUTHORIZING ADDITIONAL 90-DAYS OF EXTENDED SICK LEAVE.
- R-1-2016-024** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO WILENTZ, GOLDMAN & SPITZER, P.A., AS BOND COUNSEL FOR THE TOWNSHIP OF MONROE FOR CALENDAR YEAR 2016.
- R-1-2016-025** RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO PHOENIX ADVISORS, LLC AS FINANCIAL ADVISORS FOR CALENDAR YEAR 2016.
- R-1-2016-026** RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER.
- R-1-2016-027** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT MADE BY AND BETWEEN THE TOWNSHIP OF MONROE, A MUNICIPAL CORPORATION AND PIAZZA AND ASSOCIATES.
- R-1-2016-028** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO JOEL L. SHAIN, ESQ. WITH THE FIRM OF SHAIN, SCHAFFER & RAFANELLO, P.C. FOR GENERAL LEGAL SERVICES WITHIN THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX FOR CALENDAR YEAR 2016.
- R-1-2016-029** RESOLUTION AUTHORIZING AWARD OF CONTRACT TO MARGUERITE M. SCHAFFER, ESQ., WITH THE FIRM OF SHAIN, SCHAFFER & RAFANELLO, P.C., AS ASSISTANT TOWNSHIP ATTORNEY WITHIN THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, FOR CALENDAR YEAR 2016.
- R-1-2016-030** RESOLUTION AUTHORIZING AWARD OF CONTRACT WITH SKYLINE ENVIRONMENTAL, INC. FOR PROFESSIONAL SAFETY AND HEALTH TRAINING SERVICES FOR THE TOWNSHIP OF MONROE AND THE M.T.U.D. FOR CALENDAR YEAR 2016.

- R-1-2016-031** RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND MICHAEL E. LLOYD WHO SHALL SERVE AS THE CHIEF OF POLICE.
- R-1-2016-032** RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND CHRISTIAN HAYES WHO SHALL SERVE AS THE CAPTAIN OF POLICE.
- R-1-2016-033** RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND WAYNE R. HAMILTON WHO SHALL SERVE AS BUSINESS ADMINISTRATOR.

REPORTS:

Mayor Pucci – Absent

Administrator Hamilton –

- Reported that this is an extremely busy time of year for the Clerk and Administration Office's as we are busy preparing a whole slew of Resolutions for the upcoming January 4, 2016 meeting. He added that there will be a lot of additional items for Monday's meeting and to please bear with us.

Engineer Rasimowicz –

- Had nothing additional to add other than an update on the Perrineville Road project. He reported that this is a County project and has not heard of an updated date as to when to expect this project to be done and the road to be reopened. He added that they just started to install a guardrail which will go on both sides of the road. Additional materials are needed on site as well. Lastly, he noted the project will continue to move along, weather permitting, as this week it is supposed to rain several days which will cause delays.

COUNCIL REPORTS:

Councilman Michael Leibowitz –

- Council President Tamburro and Councilman Leibowitz reported that today was Grandparent's Day and they were both in attendance with their grandchildren but unfortunately the theater was evacuated due to a fire alarm.

Councilman Stephen Dalina –

- Councilman Dalina reported that he has been approached by several residents in regards to people not paying attention to school buses. He reminded everyone that it is important to be mindful of the buses and stay safe on the road.
 - Councilman Leibowitz concurred that there are people in the communities that do not stop at the stop signs. There is one flashing stop sign that is going in and more should be considered, as well as, more patrol being needed.
 - Administrator Hamilton explained further that the flashing stop sign will be installed in the area of Spotswood-Gravel Hill Road as that is an area that receives a lot of complaints. He asked the Engineer to look into more stop signs.
- He reminded everyone to stay safe on New Year's Eve and that the Reorganization Meeting will be held January 1st at the Senior Center.

Councilwoman Schneider –

- Councilwoman Schneider reported that she was also in attendance for Grandparent's Day but due to the theater being evacuated the event was essentially canceled.
- She also asked about when Perrineville Road will be reopening and asked Engineer Rasimowicz if the guardrail was the only thing left to be done. Engineer Rasimowicz answered stating that he has asked for further clarification from the County regarding additional work to be done before it can reopen.

Council Vice-President Koppel –

- Council Vice-President Koppel agreed that there is an issue with people disregarding school buses and suggested that an article be run in the Monroe News about the importance of obeying the lights and stop signs. Both Administrator Hamilton and Councilman Leibowitz concurred.
- Mentioned the Shade Tree Ordinance and explained that a lot of detail is involved regardless of what many people may believe.
- Lastly, she wished a Happy New Year to everyone.
 - Council President Tamburro reminded everyone that the Reorganization Meeting will be held January 1, 2016 at the Senior Center.

Council President Tamburro –

- Council President Tamburro explained that Mayor Pucci is absent from the meeting tonight, therefore there is no report from him. He has been cleaning out his offices to accommodate the new Mayor come the beginning of the year.
- As Council President, Mr. Tamburro took the time to thank the Clerk's office for their hard work, as well as the Council and the Public for allowing him to serve on the Council for fourteen years, adding that he is looking forward to serving in a different capacity in the New Year as Mayor.

PUBLIC:

Hy Grossman, 15 Doral Drive – Mr. Grossman commented that he watches Channel 28 every day and has noticed recently that it is very hard to hear the Council and Public while they are speaking. Council President Tamburro agreed that new or additional microphones are needed.

He suggested that graphics should be added to Channel 28 for safety concerns regarding the school buses.

Asked about the Ordinance regarding no parking along 527 and why no signs are up stating that. Administrator Hamilton explained that part of the reason why the signs may not be up is because our sign machine needs to be replaced but he will look into it further.

He wished everyone a Happy New Year.

UPON MOTION made by Councilman Dalina, and seconded by Councilwoman Schneider, the Regular Meeting was **Adjourned** at 7:27pm

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

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on February 8, 2016