

**TOWNSHIP OF MONROE**  
**COUNCIL MEETING MINUTES**  
**REGULAR MEETING - MAY 1, 2017**

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 Stephen Dalina with a Salute to the Flag lead by Samuel Cordero and Alyssa Stump.

**UPON ROLL CALL** by the Township Clerk, Patricia Reid, the following members of Council were present: Councilwoman Miriam Cohen, Councilman Michael Leibowitz, Council Vice-President Elizabeth Schneider and Council President Stephen Dalina.

**ALSO, PRESENT:** Mayor Gerald W. Tamburro, Business Administrator Alan M. Weinberg, Township Attorney Joel L. Shain, Engineer Mark Rasimowicz, Chief Financial Officer George Lang and Deputy Township Clerk Christine Robbins.

**ABSENT:** Councilman Blaise Dipierro

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

Council President Dalina 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 the Bulletin Boards within the Municipal Building on December 30, 2016 and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **STAR LEDGER** on January 6, 2017;
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.

Mayor Tamburro presented a Proclamation to Dr. Kenneth Sable from Jersey Shore Hospital which is a part of the Meridian Healthcare Program for **“Paint the Town Pink” – May 1, 2017 – May 31, 2017**; Dr. Sable thanked everyone for the privilege to be here and spoke about the importance of annual mammograms. He explained that the Paint the Town Pink program started about 11 years ago in Red Bank as a way to encourage women to get their annual mammograms and has expanded to over 75 towns including Monroe Township. Mayor Tamburro added that Dr. Sable’s message will be shared over the month on the Township television channel.

Mayor Tamburro presented a Proclamation to Amy Antelis, Chairperson of the Henry Ricklis Holocaust Memorial Committee, and members of the committee who are survivors of the Holocaust for **“Holocaust Days of Remembrance” – May 7, 2017 – May 14, 2017**; Amy Antelis introduced several survivors: Ilse Loeb, Bill Schwimmer, Sol Lurie, Frida Herskovits, Paulette Wegh and Lois Flamholz who shared their stories of living through and surviving the Holocaust. In closing, Mr. Lurie gave a beautiful message to the children to treat people the way you want to be treated and in doing so we will have a beautiful world to live in.

Mayor Tamburro read a portion of the Proclamation aloud and invited everyone to attend on Sunday, May 7<sup>th</sup>, at the Middle School, the Henry Ricklis Holocaust Society, stories of their survival.

The following **PROCLAMATIONS** of Mayor Gerald W. Tamburro were read into the record:

**Monroe Township – Day of Prayer**

Thursday, May 4, 2017

**Carmela Epifano - 100<sup>th</sup> Birthday Celebration**

June 2, 2017

Mayor Tamburro mentioned that on May 18<sup>th</sup> at the Middle School, the chorus will be performing to honor our veterans and Carmela Epifano.

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

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

Lieutenant Lisa Robinson, Council Vice-President Elizabeth Schneider and Mayor Tamburro presented Awards to the following students:

Barclay Brook:

Pre-K: Amukta Desam  
Kindergarten: Broderick (Brody) Sanchez  
1<sup>st</sup> Grade: Ryan Barta  
2<sup>nd</sup> Grade: Freya Brigilin

Brookside:

3<sup>rd</sup> Grade: Alyssa Stump  
4<sup>th</sup> Grade: Danica Zelvin  
5<sup>th</sup> Grade: Madison Adamcik

Oak Tree:

Pre-K: Riley Malvin  
Kindergarten: Karissa Im  
1<sup>st</sup> Grade: Alexander Bartolome  
2<sup>nd</sup> Grade: Dhara Patel  
3<sup>rd</sup> Grade: Samhitha Kalakada

Applegarth:

4<sup>th</sup> Grade: Suhavee Champi  
5<sup>th</sup> Grade: Sree Ravishankar

Mill Lake:

Pre-K: Ayiri Uduaghan  
Kindergarten: Meha Patel  
1<sup>st</sup> Grade: Julianna Caliendo  
2<sup>nd</sup> Grade: Nella Greco  
3<sup>rd</sup> Grade: Madison Carpenito

Woodland:

4<sup>th</sup> Grade: Albert Scarmato III  
5<sup>th</sup> Grade: Samuel Cordero-Arbole

MTMS:

6<sup>th</sup> Grade: Keerthi Prabhu  
7<sup>th</sup> Grade: Steven Abt  
8<sup>th</sup> Grade: Lily Grmek

MTHS:

Freshman: Kyle Siegel  
Sophomore: Marisa Alvarez  
Junior: Lindsay Tuen  
Senior: Miranda Crowley

Mayor Tamburro extended his congratulations to all of the award recipients.

Councilman Leibowitz said he was very proud of all the students for their hard work and they should be proud of themselves and enjoy their awards because they deserve it.

Council Vice-President Schneider thanked all the parents for raising such wonderful children and thanked Lieutenant Lisa Robinson for all of her work involved.

Councilwoman Cohen said it has been a privilege to watch all of these children receive their awards and said that it is a true honor to be nominated by their teachers. She also acknowledged the parents for their hard work and dedication.

Council President Dalina thanked everyone and is so proud of each and every one of them for all of their hard work in exemplifying the 6 Pillars of Character.

A ten minute recess was taken and the Regular Meeting was recalled to order at 8:00 p.m.

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilman Leibowitz, the **CLAIMS** per run date of **04/20/2017** were approved for payment as presented.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

**UPON MOTION** made by Councilwoman Cohen and seconded by Council Vice-President Schneider, the **MINUTES** of the **March 27, 2017 Agenda Meeting** and **April 3, 2017 Regular Meeting** were approved as written and presented.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

**UPON MOTION** made by Councilman Leibowitz and seconded by Council Vice-President Schneider, an Ordinance of which the following is the title was moved on second reading for final passage:

**O-4-2017-009            ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

**ORDINANCE** as follows: (O-4-2017-009)

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0.5% unless authorized by ordinance to increase it to **3.5%** over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Council of the Township of Monroe, in the County of Middlesex, finds its advisable and necessary to increase its **CY 2017** Budget by up to **3.5%** over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Council hereby determines that a **3.0%** increase in the budget for said year, amounting to **\$1,108,947.93** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Township Council hereby determines that any amount authorized hereinbelow that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, as follows:

**SECTION 1.** In the **CY 2017** budget year, the final appropriations of the Township of Monroe shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to **\$1,293,772.58**, and that the **CY 2017** municipal budget for the Township of Monroe be approved and adopted in accordance with this ordinance; and

**SECTION 2.** Any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as a exception to final appropriation in either of the next two succeeding years; and

**SECTION 3.** A certified copy of this ordinance, as introduced, be filed with the Director of the Division of Local Government Services within five days of introduction; and

**SECTION 4.** A certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**SECTION 5.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be the same and are hereby repealed.

**SECTION 6.** 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 7.** This Ordinance shall take effect upon final passage and publication as provided by law.

**Michele Arminio, 9 Nathaniel St.** – Mrs. Arminio asked for an explanation on what it means to exceed the municipal budget before actually adopting the municipal budget; Township CFO George Lang explained that this actually deals with the 1977 CAP Law, in that the State allows you to reserve the difference between what you are using and raising your CAP by 3.5%, which is what we are doing. He noted that probably more than 99% of towns do this. This used to be automatically done but the State now requires it to be done by ordinance. It doesn't mean you are spending the money but it does give you the budget leeway in case you need it. Mrs. Arminio asked for further clarification as she wanted to know specifically what the Township's intent was in passing this ordinance. Township CFO George Lang explained further that this increases the amount available inside the CAP; Mrs. Arminio asked if there was a dollar amount tied to this; he replied yes and historically we have always taken the 3.5%. The current CAP Bank is \$2.9 million and this will allow us to exceed it by 3.5% only if necessary, which historically we have not had to do. He also explained that if we do not keep reserving the CAP Bank we will lose it and it is really only an account entry that is a smart thing to do.

As Councilman Leibowitz and Council Vice-President Schneider moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

**O-4-2017-009                    ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.  
O-4-2017-009

**UPON MOTION** made by Councilman Leibowitz and seconded by Council Vice-President Schneider, an Ordinance of which the following is the title was moved on second reading for final passage:

**O-4-2017-010 ORDINANCE TO ESTABLISH A GOVERNMENT ENERGY AGGREGATION PROGRAM FOR ELECTRICITY PURSUANT TO P.L. 2003, c. 24 AND N.J.A.C. 14:4-6. ORDINANCE** as follows: (O-4-2017-010)

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring of the electricity supply market;

**WHEREAS**, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

**WHEREAS**, the New Jersey Board of Public Utilities ("BPU") has adopted regulations governing the Implementation of government energy aggregation programs codified at N.J.A.C. 14:4-6.1 et seq.; and

**WHEREAS**, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township of Monroe ("Township") seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential participants; and

**WHEREAS**, the Township Council intends to serve as the Lead Agency conducting a Government Energy Aggregation Program in the Township and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential and commercial customers within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to residents properties; and

**WHEREAS**, the Township Council will from time to time during the effective period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Township Council will act as Lead Agency of the Monroe Community Energy Aggregation ("MCEA"); and

**WHEREAS**, the Township Council will from time to time during the effective period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the MCEA pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

**WHEREAS**, the Township Council will only award contracts for electric generation services and energy aggregation services to electric power suppliers that are deemed qualified and who submit price bids lower than the prevailing price for utility-provided basic generation service; and

**WHEREAS**, residential customers will be permitted the opportunity to opt-out of the Program and commercial customers will be required to opt-in should they determine to participate; and

**WHEREAS**, pursuant to applicable BPU regulations, the Township will enter into an Electric Distribution Company Aggregation Agreement with the local electric distribution company, Jersey Central Power and Light Company ("JCP&L"); and

**WHEREAS**, N.J.S.A. 48:3-93.1 et seq. requires the Program to be established by ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council as follows:

1. There is hereby established a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.

2. The Mayor is authorized to execute and the Township Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with JCP&L.

3. The Township Council will act as Lead Agency of the MCEA and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Township residents, and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

4. As Lead Agency, the Mayor is authorized to execute and the Township Clerk is authorized to attest to the execution of a master performance agreement that obligates the participants in the MCEA to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the MCEA, and provided that such contract shall be at prices reasonably estimated by the Township Council to provide savings to participants relative to the price charged for basic generation service by JCP&L.

5. The authorization provided to the lead agent shall be valid until May 31, 2019 (the "Effective Period"), at which time the MCEA will be subject to renewal for an additional 2-year period at the discretion of the Township Council.

6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

7. If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder shall survive in full force and effect.

8. This ordinance shall take effect upon adoption and twenty days after publication as required by law.

**Hy Grossman, 15 Doral Dr.** – Mr. Grossman asked for clarification on the ordinance as he is reading the ordinance to understand that we have already approved JCP&L to go out to do this; Mayor Tamburro clarified that we have to go out to bid. Administrator Weinberg further explained that this is a two-year extension authorizing for a Community Energy Aggregation Program. Mayor Tamburro explained that the billing is through JCP&L regardless of what energy supplier we use; they handle all the billing for all other distribution companies. Mr. Grossman commented that he has received communication from another supplier offering a lower rate and is hoping the service stays the same.

As Councilman Leibowitz and Council Vice-President Schneider moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

**O-4-2017-010 ORDINANCE TO ESTABLISH A GOVERNMENT ENERGY AGGREGATION PROGRAM FOR ELECTRICITY PURSUANT TO P.L. 2003, c. 24 AND N.J.A.C. 14:4-6.**

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.  
O-4-2017-010

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage: **O-5-2017-011 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT"**.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.

**UPON MOTION** made by Councilman Leibowitz and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was introduced on first reading for final passage: **O-5-2017-012 ORDINANCE ACCEPTING LOT 1.01, BLOCK 52 AND APPROVING TRANSFER OF A PORTION OF TOWNSHIP PROPERTY TO FIRE DISTRICT #3 AND A PORTION OF TOWNSHIP PROPERTY TO MONROE TOWNSHIP BOARD OF EDUCATION FOR PUBLIC USE. (SCHOOLHOUSE ROAD & ROUTE 522)**

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.

Council President Dalina requested a Motion to open the Public Hearing on the 2017 Municipal Budget as introduced on April 3, 2017.

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilwoman Cohen, the Public Hearing was opened on the 2017 Municipal Budget

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Mayor Tamburro reported that the budget is \$56.15 million with the Township tax rate staying the same as last year. There is no increase in the water and sewer rates for the 26<sup>th</sup> straight year. He further commented that all Township services have stayed the same. There has been careful fiscal management and this was a team project with the former Business Administrator, Department Heads and volunteers all involved.

**Hy Grossman, 15 Doral Drive** – Mr. Grossman commented that he appreciates the hard work put forth in the budget as he has been following State and local budgets for years and has gone on the website to view our budget and noted that the philosophy of using surpluses this year is becoming a lower number and eventually we will be at an equilibrium. He asked what the philosophy of using the surplus was; Township CFO George Lang responded that the current fund surplus we are using is a little more than last year but we also generated more in 2016. He further explained that we do not want to use more surplus than what is being generated. He added that on the water and sewer side we reduced the surplus and we feel the utility surplus should regenerate itself in addition to a pretty sizeable surplus that is still there.

Mr. Grossman commented that we have schedules in the budget that deal with unused sick and vacation time, a year or so ago that amount was \$2.7 million but noticed that this year there is no amount listed; Township CFO George Lang explained that that State moved that out of the official budget schedule and further explained that the amount we paid out is not the actual number that is listed. Administrator Weinberg added that many municipalities are dealing with unused sick time and vacation from employees leaving and we were ahead of the State in limiting the sick time payout to no more than \$15,000. He further explained that the unused vacation time policy only allows an employee to carry forward one year of vacation time from year to year. With that policy in place, the Township has avoided paying out huge amounts compared to some of the other towns that do not have that policy in place.

Mr. Grossman stated that last year we added \$200,000 to reserves and asked if that is in this years budget as well; Administrator Weinberg answered that we have those CAPS in place to protect the tax payers and support the employees.

**Andy Paluri, 16 St. James St.** – Mr. Paluri commented that anytime taxes are not increased is a good thing.

He reminded everyone that tomorrow is the senate hearing regarding the fight for fair school funding inviting all to make an effort to come and attend.

Lastly, Mr. Paluri commented that with the increase of developments, safety is of extreme importance which is why he has proposed a traffic study to be done and requested for it to be included in the budget. Mayor Tamburro responded that most of the main roads within the Township are County roads and currently the County does have a traffic study going on. Township CFO George Lang responded that there is \$175,000 in the budget for a traffic study and the Township Engineer Mark Rasimowicz added that the County Engineers Office is currently looking at several of the county roads within the Township to have improvements done.

**Prakash Parab, 33 Dayna Dr.** – Mr. Parab asked if the State mandates the payout for the accumulation of sick leave or if that is a Township policy; Administrator Weinberg responded that our policy limits the sick time payout to \$15,000 which was in place before the State mandated it to that as well. He further explained the Township’s policy regarding the carry over of vacation time.

**Michele Arminio, 9 Nathaniel St.** – Mrs. Arminio questioned the third paragraph in the Mayor’s budget message regarding the utility surplus, asking how much is left; Township CFO George Lang answered that there is approximately \$7,000,000 leftover as of the 2016 year end. Mrs. Arminio asked if there are plans to curtail it once it is depleted; Township CFO George Lang responded that we anticipate the surplus to be the same or greater than.

Mrs. Arminio commented that we are collecting construction fees for developers this year and asked if those monies are claimed in the current year; Administrator Weinberg explained that the municipality can claim it in the current year whereas the school cannot. Mayor Tamburro added that when we had all of the tax appeals, the Township picked up that entire tab whereas the school did not. He further explained that that is where the surplus is going, to help stabilize the taxes, which is managed wisely with the taxpayers being the beneficiaries of that. Mrs. Arminio commented that there is a percentage of taxes that goes into each budget, 20% of which is municipal and 60% which is the school, but 100% of the construction going on throughout the Township is under direct control of the Planning Board and the Council, whereas the Board of Education has no control over that. Administrator Weinberg commented that he is fairly impressed with the amount of Open Space in the community with close to 7,000 acres already preserved which equates to over 8 times the size of our neighbor Jamesburg. The goal is to have half of the town be Open Space; He added that we have challenges with that, such as, people owning land and having rights to that land, as well as, having to follow the State law regarding affordable housing. He feels that the Council and Mayor have done a good job at negotiating those impacts and negotiating the amount of affordable housing we need to build in the Township.

**George Gunkelman, 5 Kelly Ct.** – Mr. Gunkelman commented that there has always been a one page budget summary available but did not see any available; Council President Dalina answered that there are copies available on the back table next to the agendas. He added that it is also available on our Township website, as well as, being published in the newspaper.

Mr. Gunkelman asked if there was a new staff member, as he has never seen the Finance Officer at any of the meetings; Mayor Tamburro answered that George has been here for years but he only comes to the meetings for the budget hearings.

**UPON MOTION** made by Councilman Leibowitz and seconded by Council Vice-President Schneider, the Public Hearing on the 2017 Municipal Budget was closed.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilman Leibowitz, the 2017 Municipal Budget as introduced on April 3, 2017 was Adopted.

**R-5-2017-132                      RESOLUTION AUTHORIZING THE ADOPTION OF THE 2017 MUNICIPAL BUDGET**



ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Resolution Duly Filed.

**RESOLUTIONS for CONSIDERATION under the CONSENT AGENDA:**

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilman Leibowitz, the following Resolutions were moved for Adoption under the **CONSENT AGENDA**.

**R-5-2017-133            RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COST SHARING AGREEMENT WITH THE COUNTY OF MIDDLESEX FOR IMPROVEMENTS TO AND TRAFFIC SIGNALIZATION AT THE COUNTY ROUTE 612 (MATCHAPONIX AVENUE) AND SPOTSWOOD-GRAVEL HILL ROAD INTERSECTION.**

**WHEREAS**, the Township of Monroe (“Township”) is desirous of providing for improvements to and installation of a traffic signal at the intersection of County Route 612 (Matchaponix Avenue) and Spotswood-Gravel Hill Road (the “Improvements”); and

**WHEREAS**, the County of Middlesex (“County”) has recognized the necessity and desirability of the Improvements; and

**WHEREAS**, the Township and County, in discharge of their public duties, are desirous of jointly providing for the Improvements; and

**WHEREAS**, the County and the Township have agreed to enter into a cost sharing agreement (Agreement”) to apportion the costs of the Improvements between them on mutually acceptable terms and conditions;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that the Business Administrator is hereby authorized and directed to execute an Agreement in the form annexed hereto as Exhibit “A,” subject to the approval of the Township Engineer and Township Attorney.

**SO RESOLVED**, as aforesaid.

**R-5-2017-134            RESOLUTION AUTHORIZING REDUCTION OF A PERFORMANCE GUARANTEE POSTED FOR GATEWAY AT MONROE – RESIDENTIAL (BA-5096-14).**

**WHEREAS**, D.R. Horton posted Performance Guarantees in the amount of \$4,822,626.98 for the Gateway at Monroe Residential project (BA-5096-14); and

**WHEREAS**, in correspondence D.R. Horton has requested a reduction in Performance Guarantees posted; and

**WHEREAS**, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has inspected the work performed and the work to be completed and has recommended the Township Council approve the reduction of the Performance Guarantees, as detailed in his letter dated March 28, 2017, a copy of which is attached hereto as Exhibit A:

	<u>Bond Portion</u>	<u>Cash Portion</u>
Current	\$4,340,362.98	\$482,262.55
Reduce to	\$2,441,372.82	\$271,263.65

; and

**WHEREAS**, the Township Council has reviewed and hereby approves the recommendations of the Township Engineer;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that Performance Guarantees posted for **Gateway at Monroe Residential project BA-5096-14** be reduced, as reflected in the Township Engineer's letter annexed hereto. This approval for reduction of Performance Guarantees is conditioned upon the provision of replacement guarantees and the resolution of any outstanding balances attached to project escrow accounts; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the developer, and to his attorney, if the applicant has been represented by counsel in this matter.

**SO RESOLVED**, as aforesaid.

**R-5-2017-135                    RESOLUTION GRANTING PERMISSION TO MAKE-A-WISH FOUNDATION TO CONDUCT A DISPLAY OF FIREWORKS.**

**WHEREAS**, the **Make-A-Wish Foundation** has requested permission to conduct a display of fireworks on Thursday, June 8, 2017, which activity will occur at the Make-A-Wish Castle site, 1347 Perrineville Road in Monroe Township; and

**WHEREAS**, the **Make-A-Wish Foundation** has satisfied this Council as to the handling of the fireworks and has provided this Council with a satisfactory sketch of the site at which the fireworks are to be displayed and the Contractor, Patrick Cyrana, d/b/a Advanced Pyrotechnics, has provided the following required documentation:

- a) Certificate of Insurance in an amount not less than \$2,000,000.00;
- b) Indemnity Agreement;
- c) Purchase Invoice of products being used for the show; and
- d) Copy of the Federal ATF Type 54 Explosives License;
- e) Fire District No. 2 approval;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that permission has been granted for the **Make-A-Wish Foundation**, 1347 Perrineville Road, Monroe Township, NJ

**BE IT FURTHER RESOLVED** provided all required documentation is on file with the Township Clerk's Office as well as with Fire District #2 and the required notice is given to the Fire Department prior to each display of Fireworks, this Resolution authorizes such permission will be granted and shall expire on December 31, 2017.

**SO RESOLVED**, as aforesaid.

**R-5-2017-136                    RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 AND FINAL SUBMITTED BY QUALITY 1<sup>ST</sup> CONTRACTING, INC. IN CONNECTION WITH THE TOWNSHIP WIDE CONCRETE IMPROVEMENT PROJECT.**  
(Decrease of \$30,815.12)

**WHEREAS**, pursuant to Resolution No. R-7-2016-241, adopted by the Monroe Township Council at its meeting held on July 6, 2016, a contract was awarded to Quality 1<sup>st</sup> Contracting, Inc. for the 2016 Township Wide Concrete Improvement Project; and

**WHEREAS**, said contract was in the original amount of \$148,490.00 for the improvements; and

**WHEREAS**, the Certified Municipal Finance Officer has certified in Certificate No. C-160028, a copy of which is attached hereto, that sufficient funds were available;

**WHEREAS**, the Township Engineer, in a letter dated March 24, 2017, requested approval of Change Order No. 1 and Final for the concrete improvements project reflecting a decrease in the amount of **\$30,815.12** which includes the additional work and reduction/deletion of work as referenced in Exhibit A (attached); and

**WHEREAS**, reflecting Change Order No. 1 and Final, the new decreased contract total is **\$117,674.88** for the 2016 Township Wide Concrete Improvement Project; and

**WHEREAS**, the Township Council has reviewed the request and has found same to be reasonable; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute Change Order No. 1 and Final, attached hereto and made a part hereof, in the decreased amount of Thirty thousand, eight hundred fifteen dollars and twelve cents (\$30,815.12).

**SO RESOLVED**, as aforesaid.

**R-5-2017-137            RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED BY QUALITY FIRST CONTRACTING, INC. IN CONNECTION WITH THE TOWNSHIP WIDE CONCRETE IMPROVEMENT PROJECT.**

**WHEREAS, Quality 1<sup>st</sup> Contracting, Inc.** has posted Performance Guarantees for the Monroe Township Concrete Improvements – Township Wide project; and

**WHEREAS, Quality 1<sup>st</sup> Contracting, Inc.** has requested a release of the Performance Guarantees posted for this project; and

**WHEREAS**, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer, by copy of letter dated March 24, 2017, has recommended, release of the Performance Guarantees; and

**WHEREAS**, the Township Council has reviewed and hereby approves the recommendations of the Township Engineer;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted for the Monroe Township Concrete Improvements – Township Wide, be released as reflected in the Township Engineer’s letter dated March 24, 2017, attached hereto. This approval for release of the Performance Guarantees is conditioned upon the posting of maintenance guarantee in the amount of **\$117,674.88**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

**SO RESOLVED**, as aforesaid.

**R-5-2017-138            RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERNATIONAL FIREWORKS MANUFACTURING COMPANY. (Contract Price Not to Exceed: \$17,200.00)**

**WHEREAS**, the Monroe Township Department of Recreation seeks professional services in connection with a public display of fireworks on July 4, 2017 at Thompson Park in Monroe Township; and

**WHEREAS, International Fireworks Manufacturing Company** possesses the professional expertise needed for such an activity; and

**WHEREAS**, the fees for such services will not exceed **\$17,200.00** for the July 4<sup>th</sup> display of fireworks; and

**WHEREAS**, the Township’s Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No. C-170026, a copy of which is attached hereto as Exhibit “A”; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) authorizes the award of contracts for “professional services” without competitive bids and further provides that the contract itself must be available for public inspection; and

**WHEREAS**, no agreement that is subject to the requirements of Article III of the Affirmative Action Regulations pursuant to P.L. 1975, Chapter 127 (N.J.S.A. 17:27-1 et seq.) shall be awarded by the Township of Monroe, nor shall any monies be paid thereunder, to any contractor, subcontractor or business firm that has not agreed and guaranteed to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the Affirmative Action approved under the terms established in the above-cited regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached contract with **International Fireworks Manufacturing Company**, P.O. Box 6, Sycamore Road, Douglassville, PA 19518;

(2) The Finance Department is hereby authorized and directed to pay invoices for services rendered by **International Fireworks Manufacturing Company** in an amount not to exceed **\$17,200.00** for the July 4<sup>th</sup> display of fireworks;

(3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by persons authorized by law to practice a recognized profession that is regulated by law;

(4) This contract is awarded with the stipulation that the International Fireworks Manufacturing Company contract shall include mandatory Affirmative Action language, and shall submit to the Township of Monroe a Business Registration Certificate and Certificate of Insurance within thirty days of contract execution; and

(5) A notice of this action shall be printed once in the Home News Tribune.

**SO RESOLVED**, as aforesaid.

**R-5-2017-139                    RESOLUTION AUTHORIZING MODIFICATION #2 TO A  
PROFESSIONAL SERVICE CONTRACT AWARDED TO DM  
MEDICAL BILLINGS, LLC IN CONNECTION WITH THIRD PARTY  
BILLING. (Modification Amount: \$20,000.00)**

**WHEREAS**, pursuant to Resolution No. R-2-2016-085, adopted by the Monroe Township Council at its meeting held on February 8, 2016, a modification to the contract with DM Medical Billings, LLC, 20 E. Taunton Rd., Suite 100, Berlin, New Jersey 08009, for services in connection with third party billing of emergency medical transportation in the amount of \$20,000.00 was authorized; and

**WHEREAS**, DM Medical Billings, LLC has requested a second modification in the amount of **\$20,000.00** for additional billing services; and

**WHEREAS**, the Township Council has reviewed the request and has found same to be reasonable; and

**WHEREAS**, the Certified Municipal Finance Officer has certified in Certificate No. C-140006, a copy of which is attached hereto, that sufficient funds are available;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it hereby authorizes a second modification to the contract with DM Medical Billings, LLC in the amount of *Twenty Thousand Dollars (\$20,000.00)*;

**SO RESOLVED**, as aforesaid.

**R-5-2017-140                    RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR PRIMROSE ACRES, SECTION 1 PHASE 1 AND SECTION 1 PHASE 2 (PB-744-01).**

**WHEREAS**, Section 108-13.9 of the Code of the Township of Monroe requires the Developer to furnish a two (2) year maintenance guarantee in an amount equal to fifteen percent (15%) of the original performance guarantee upon release of the performance guarantees by the Township Council upon the Township Engineer's written recommendation; and

**WHEREAS, Lafayette Knolls, Inc. dba Primrose Acres**, has posted Performance Guarantees for Primrose Acres – Section 1, Phase 1 & Phase 2 in the amount of \$894,454.50; and

**WHEREAS, Lafayette Knolls, Inc. dba Primrose Acres**, has posted Performance Guarantees for Primrose Acres – Section 1, Phase 2 in the amount of \$1,043,061.85; and

**WHEREAS**, a request has been made by Jack Werbler, of Lafayette Knolls, Inc. dba Primrose Acres, to release the performance guarantees for **Primrose Acres – Section 1, Phase 1 & Phase 2, PB-744-01**; and

**WHEREAS**, the Township Engineer's office, by copy of letter dated April 6, 2017, recommends release of the projects Performance Guarantees;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that release of the project performance guarantees shall be conditioned upon resolution of all outstanding escrow balances associated with the administration of this project by Township officials, as well as the posting of maintenance guarantees for 15% of the project total (\$894,454.50), or \$134,168.17 for Section 1, Phase 1 and (\$1,043,061.85), or \$156,459.27 for Section 1, Phase 2. Such maintenance guarantees shall run for a period of not less than two years from the date of memorialization of such action by the Council;

**BE IT FURTHER RESOLVED**, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit". In lieu of this, the Township Engineer's Office recommends the developer post two thousand dollars (\$2,000.00) at this time, into the existing engineering escrow account, which is more than reasonable. Performance guarantees should not be released until the escrow account is brought up to date, as noted.

**SO RESOLVED**, as aforesaid.

**R-5-2017-141                    RESOLUTION AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR PRIMROSE ACRES SECTION 2 (PB-768-01).**

**WHEREAS**, Section 108-13.9 of the Code of the Township of Monroe requires the Developer to furnish a two (2) year maintenance guarantee in an amount equal to fifteen percent (15%) of the original performance guarantee upon release of the performance guarantees by the Township Council upon the Township Engineer's written recommendation; and

**WHEREAS, Lafayette Knolls, Inc. dba Primrose Acres**, has posted Performance Guarantees for Primrose Acres – Section 2 in the amount of \$454,260.70; and

**WHEREAS**, a request has been made by Jack Werbler, of Lafayette Knolls, Inc. dba Primrose Acres, to release the performance guarantees for **Primrose Acres – Section 2, PB-768-01**; and

**WHEREAS**, the Township Engineer's office, by copy of letter dated April 6, 2017, recommends release of the projects Performance Guarantees;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that release of the project performance guarantees shall be conditioned upon resolution of all outstanding escrow balances associated with the administration of this project by Township officials, as well as the posting of maintenance guarantees for 15% of the project total (\$454,260.70), or \$68,139.11 for Section 2. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council;

**BE IT FURTHER RESOLVED**, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit". In lieu of this, the Township Engineer's Office recommends the developer post one thousand dollars (\$1,000.00) at this time, into the existing engineering escrow account, which is more than reasonable. Performance guarantees should not be released until the escrow account is brought up to date, as noted.

**SO RESOLVED**, as aforesaid.

**R-5-2017-142            RESOLUTION AUTHORIZING THE RELEASE OF A  
PERFORMANCE GUARANTEE UPON THE ACCEPTANCE OF A  
MAINTENANCE GUARANTEE POSTED FOR LAFAYETTE  
KNOLLS (PB-812-02).**

**WHEREAS**, Section 108-13.9 of the Code of the Township of Monroe requires the Developer to furnish a two (2) year maintenance guarantee in an amount equal to fifteen percent (15%) of the original performance guarantee upon release of the performance guarantees by the Township Council upon the Township Engineer's written recommendation; and

**WHEREAS**, **Lafayette Knolls, Inc. dba Primrose Acres**, has posted Performance Guarantees for Lafayette Knolls, Inc. in the amount of \$905,998.07; and

**WHEREAS**, a request has been made by Jack Werbler, of Lafayette Knolls, Inc. dba Primrose Acres, to release the performance guarantees for **Lafayette Knolls, Inc., PB-812-02**; and

**WHEREAS**, the Township Engineer's office, by copy of letter dated April 6, 2017, recommends release of the projects Performance Guarantees;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that release of the project performance guarantees shall be conditioned upon resolution of all outstanding escrow balances associated with the administration of this project by Township officials, as well as the posting of maintenance guarantees for 15% of the project total (\$905,998.07), or \$135,899.71 for Lafayette Knolls, Inc. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council;

**BE IT FURTHER RESOLVED**, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit". In lieu of this, the Township Engineer's Office recommends the developer post one thousand dollars (\$1,000.00) at this time, into the existing engineering escrow account, which is more than reasonable. Performance guarantees should not be released until the escrow account is brought up to date, as noted.

**SO RESOLVED**, as aforesaid.

**R-5-2017-143            RESOLUTION AUTHORIZING THE TOWNSHIP BUSINESS  
ADMINISTRATOR TO PREPARE SPECIFICATIONS AND  
ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND  
SERVICES (shirts and hats, printing, shade tree removal and pruning).**

**WHEREAS**, in the interest of the citizens of the Township of Monroe, County of Middlesex, the Township is in need of the following Goods and Services:

*Shirts and Hats*  
*Printing*  
*Shade Tree Removal and Pruning*

; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4, every contract or agreement for the performance of any work or the furnishing of any materials or supplies, the cost of the contract price wherefore is to be paid with or out of public funds, subject to certain exceptions, shall be made or awarded only by the governing body after public advertising for bids and bidding therefore;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, and State of New Jersey that the Monroe Township Business Administrator is hereby authorized to enter into the bidding process for the aforementioned goods and services and may take any action necessary and consistent therewith.

**SO RESOLVED**, as aforesaid.

**R-5-2017-144                    RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENT.**

**WHEREAS**, Premiums have been paid for various properties for the purchase of Tax Lien Certificates for properties listed on the Tax Map of the Township of Monroe, in the amount of Forty-four thousand one hundred dollars and no cents (\$44,100.00),

**WHEREAS**, pursuant to N.J.S.A. 54: 5-33 said premiums must be returned to the purchasers upon redemption:

**WHEREAS**, The Tax Lien Certificates as outlined on Schedule A have been redeemed:

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Monroe in the County of Middlesex in the State of New Jersey that the Township's Certified Municipal Financial Officer is hereby authorized and directed to draw a check from the Township's Trust Account in the amount listed on Schedule A and forward same to the Tax Collector for distribution to the purchasers.

**SO RESOLVED**, as aforesaid.

**R-5-2017-145                    RESOLUTION AUTHORIZING ADDITIONAL 90-DAYS OF EXTENDED SICK LEAVE.**

**WHEREAS**, in accordance with the Collective Bargaining Agreement between the Township of Monroe and Local 255, United Service Workers, Clerical and Public Employees, executed on January 1, 2008, Article 15.c "Extended Sick Leave" requires an employee, after the initial ninety (90) days of extended sick leave, to request through the Administration, approval by Council, for an additional extended sick leave; and

**WHEREAS**, a Township Employee (No. 99857) will have, as of April 5, 2017, completed his/her initial ninety (90) days of Extended Sick Leave and has requested up to 90 additional days of Extended Sick Leave; and

**WHEREAS**, the Township Business Administrator and Human Resources Manager have reviewed the request and have recommended, by copy of letter dated April 17, 2017, approval of same;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that it does hereby authorize an additional ninety (90) days of Extended Sick Leave effective April 6, 2017 in accordance with Article 15 "Extended Sick Leave" of the Collective Bargaining Agreement.

**SO RESOLVED**, as aforesaid.

**R-5-2017-146                    RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE THE MATTER OF WELLS FARGO BANK, N.A. v. ROBERT F. STYLES, ET AL. AS EXTRAORDINARY LITIGATION. (Final Payment: \$3,200.00)**

**WHEREAS**, the Township of Monroe, has the need for legal representation in connection with the matter of Wells Fargo Bank, N.A. v. Robert F. Styles, Et Al; and

**WHEREAS**, Shain, Schaffer & Rafanello, P.C. possesses the expertise necessary to represent the Township in these matters; and

**WHEREAS**, the Mayor of the Township of Monroe has requested that Shain, Schaffer & Rafanello, P.C. defend the interests of the Township and these matters be treated as extraordinary litigation; and

**WHEREAS**, acknowledgement of the status of “extraordinary litigation” requires the advice and consent of the Township Council; and

**WHEREAS**, the Township Council, by Resolution No. R-10-2016-363 acknowledged the status of “extraordinary litigation” and provided its advice and consent to the legal services of Shain, Schaffer & Rafanello, P.C. pending further authorization of the Township Council; and

**WHEREAS**, Shain, Schaffer & Rafanello, P.C. has incurred legal fees in excess of the budgeted amounts and has requested authorization for the following:

Wells Fargo v. Robert F. Styles, Et Al. – additional **\$3,200.00**; and

**WHEREAS**, the Council has reviewed the request and believes that an additional authorization in the amount of **\$3,200.00** for the above referenced litigation is reasonable at this time; and

**WHEREAS**, the Township’s Certified Municipal Finance Officer has certified the availability of funds in Certificate No **C-160060**, a copy of which is annexed hereto as Exhibit “A”;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that it has rendered its advice and hereby authorizes Shain, Schaffer & Rafanello, P.C. be paid for legal services rendered in connection with the matter of Wells Fargo Bank, N.A. v. Robert F. Styles, Et Al. in the amount of **\$3,200.00**.

**SO RESOLVED**, as aforesaid.

**R-5-2017-147                    RESOLUTION REFUNDING TAX OVERPAYMENTS.**

**WHEREAS**, the Tax Collector for the Township of Monroe has recommended this Council’s approval to make refunds for tax overpayments in the amount of Three Thousand sixty-nine dollars and eighty-four cents (\$3,069.84) for the amounts described on Schedule A and attached hereto;

**WHEREAS**, good cause has been shown

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe in the County of Middlesex and State of New Jersey that the Township’s Certified Municipal Finance Officer be and is hereby directed to draw a check from the General Account refunding the Tax overpayments described above to be distributed as set forth on the attached Schedule A:

**SO RESOLVED**, as aforesaid.

**R-5-2017-148                    RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF MONROE AND THE COUNTY OF MIDDLESEX PROVIDING FOR EMERGENCY PRE-EMPTION EQUIPMENT AT THE INTERSECTION OF SPOTSWOOD-ENGLISHTOWN ROAD AND OLD TEXAS ROAD, MONROE, NEW JERSEY.**

**WHEREAS**, the Township of Monroe and the County of Middlesex (collectively the “Parties”) both desire the signalized intersection at Spotswood-Englishtown and Old Texas Road, Monroe, New Jersey (the “Intersection”) to be modified to include emergency pre-emption equipment; and

**WHEREAS**, the Parties wish to jointly provide for the emergency pre-emption equipment at the Intersection; and

**WHEREAS**, the Parties have delineated their mutual and joint obligations in the attached pre-emption agreement (the “Agreement”); and



**WHEREAS**, the proposed Agreement has been reviewed by the law firm of Shain Schaffer, P.C., on behalf of the Township, which has advised that said Agreement is acceptable;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, and State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute original copies of the Agreement providing for emergency pre-emption equipment at the intersection of Spotswood-Englishtown and Old Texas Road, Monroe, New Jersey, copies of which are attached hereto and made a part hereof.

**SO RESOLVED**, as aforesaid.

**R-5-2017-149            RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT (“MTUD”) TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES FOR 2017. (Replacement of Well 17/19 Filter Media)**

**WHEREAS**, in the interests of the citizens of the Township of Monroe, County of Middlesex, the Monroe Township Utility Department (“M.T.U.D.”) has a need for the following goods and services:

1. Replacement of Well 17/19 filter media

; and

**WHEREAS**, pursuant to N.J.S.A. 40a:11-4, every contract or agreement for the performance of any work or furnishing of any materials or supplies, the cost of the contract price wherefore is to be paid with or out of public funds, subject to certain exceptions, shall be made or awarded only by the governing body after public advertising for bids and bidding therefore;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the M.T.U.D. Purchasing Manager is hereby authorized to enter into the bidding process for the aforementioned goods and services and may take any action necessary and consistent therewith.

**SO RESOLVED**, as aforesaid.

**R-5-2017-150            RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO WESTON & SAMPSON ENGINEERS FOR PROFESSIONAL ENGINEERING SERVICES FOR DEVELOPMENT OF A WASTEWATER SYSTEM CAPITAL IMPROVEMENT MASTERPLAN FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“MTUD”). (Contract Amount: \$305,100.00)**

**WHEREAS**, the Monroe Township Utility Department (M.T.U.D.) need for Professional Engineering Services to prepare a Wastewater System Capital Improvement Masterplan: and

**WHEREAS**, on November 22, 2016, pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq, after advertisement on the M.T.U.D. website for not less than 10 days, Statements of Qualifications were publicly opened for calendar Year 2017; and

**WHEREAS**, after review of all the Statement of Qualifications by the review committee, Weston & Sampson Engineers were determined to be qualified to perform said services; and

**WHEREAS**, Weston & Sampson has provided a proposal dated March 21, 2017 to perform the required engineering service in the amounts shown below:

Phase A: Existing System Data Gathering and Inventory.....	\$ 11,500
Phase B: Critical Infrastructure Preliminary Condition Assessment.....	\$247,800
Phase C: Capital Improvement Plan Development .....	\$ 45,800

The total amount of which is \$305,100.00; and

**WHEREAS**, the Director, by copy of a letter dated April 18, 2017, recommends the Council approve and award a contract to Weston & Sampson Engineers based on their proposal, a copy of which is attached hereto as Exhibit "C"; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Finance Officer has certified availability of funds in Certificate No. M-170018 a copy of which is attached hereto as Exhibit "A"; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) The Mayor and Township Clerk are hereby authorized to modify and enter into a contract with Weston & Sampson Engineers, for Professional Engineering Services, in accordance with the proposal;

(2) The Township Chief Finance Officer is hereby authorized and directed to pay invoices for services rendered by Weston & Sampson Engineers in accordance with the attached proposal;

(3) The contract is awarded without competitive bidding through a fair and open RFQ process as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by persons authorized by law to practice a recognized profession that is regulated by law;

(4) The contract award is subject to Weston & Sampson Engineers providing the required valid certificate of insurance and affirmative action forms.

(5) A notice of this action shall be printed once in the Home News Tribune.

**SO RESOLVED**, as aforesaid.

**R-5-2017-151                    RESOLUTION AUTHORIZING THE EXTENSION OF CONTRACT NO. 431 "WELL MAINTENANCE AND REPAIR" WITH A.C. SCHULTES, INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (Contract Extension Amount: \$57,560.00)**

**WHEREAS**, the Township of Monroe and the Monroe Township Utility Department ("M.T.U.D.") is currently under contract with A. C. Schultes, Inc. for well maintenance and repair; and

**WHEREAS**, the current contract allows for (1) one extension for and additional (1) one year term, with the agreement of the vendor; and

**WHEREAS**, the M.T.U.D. Purchasing Agent after consultation with the Director, feels it is in the best interest of the Monroe Township Utility Department to extend the current contract for a term of (1) one year, and has notified A. C. Schultes, Inc. of the M.T.U.D.'s intention to extend said contract via a consent letter dated April 13, 2017; and

**WHEREAS**, A. C. Schultes, Inc. has indicated their acceptance of the extension by signing and returning the above referenced letter, a copy of which is attached hereto as Exhibit "B"; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-5.4, the M.T.U.D.'s Township Chief Financial Officer has certified availability of funds in Certificate No. M-150020, a copy of which is attached hereto as Exhibit "A"; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, that it hereby authorizes and approves the M.T.U.D. extending its open ended contract for well maintenance and repair with A. C. Schultes, Inc., based on unit pricing and estimated quantities, for the (1) one year extension term. The new expiration date shall be June 2, 2018.

**SO RESOLVED**, as aforesaid.

**R-5-2017-152                    RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY THE MONROE TOWNSHIP UTILITY DEPARTMENT AGAINST AMERICAN PLUMBER, INC. ("M.T.U.D."). (Settlement Amount: \$7,000.00)**

**WHEREAS**, on or about December 7, 2016, the Monroe Township Utility Department ("MTUD") was required to perform certain repairs to the Monroe Township sanitary sewer system near 2 Forest Park Terrace, due to work performed by American Plumber, Inc.; and

**WHEREAS**, the MTUD sent an invoice to American Plumber, Inc., in the amount of \$10,508.24 for the material, equipment, labor and overhead costs associated with the repair work undertaken by the MTUD; and

**WHEREAS**, American Plumber has denied liability, but has offered to settle the matter for \$7,000; and

**WHEREAS**, American Plumber has conditioned its settlement payment upon the receipt of an executed Release by Township, in the form attached hereto as Exhibit "A;" and;

**WHEREAS**, the Township Attorney has reviewed and approved the form of the Release and recommended settlement to avoid the costs of litigation; and

**WHEREAS**, the Township Council has determined that settling the matter without litigation is in the public interest;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that the Business Administrator of the Township of Monroe is hereby authorized and directed to settle the dispute with American Plumber for \$7,000 and authorized to execute any and all documents approved by the Township Attorney, including the Release requested by American Plumber, Inc., to effectuate the settlement.

**SO RESOLVED**, as aforesaid.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Resolutions Duly Filed.

#### **REPORTS:**

##### **Mayor's Report –**

- Reported that the Energy Aggregation Program generates a savings of approximately \$4-\$5 million to our residents.
- Thanked the Holocaust survivors who were in attendance tonight, adding that Mr. Sol Lurie travels across the country speaking on how he survived. Urged all to attend the presentation being given at the Middle School this Sunday to listen to their stories.
- The 2<sup>nd</sup> Annual Multicultural Festival was held yesterday at the high school.
- The Youth Advisory Council did a wonderful job in putting together their mock accident.

##### **Administrator's Report –**

- Thanked the Council for the budget workshops as he feels it was very informative.
- Community Energy Aggregation Program is a huge success and Monroe has taken a leadership role in, saving the residents a lot of money.
- Excited to see all the partnerships on the agenda and feels that working together is a great achievement.
- Looking forward to going to Trenton tomorrow to continue the fight for fair share school funding.
- The Township now has a Facebook page which he invited all to join as it is a great way to relay messages as to what is happening with the Township.

##### **Engineer's Report –**

- Township Engineer Rasimowicz reported that the Perrineville and Federal Road project will be resuming next week with an anticipation of completing in June.
- The Perrineville and Union Valley Road project has started with an estimated completion date of July.

## **COUNCIL REPORTS:**

**Councilwoman Cohen** – Councilwoman Cohen commented that the Paint the Town Pink Proclamation that the Mayor presented is the kick off for Paint the Town Pink month. There will be many activities coming throughout the month of May.

Attended the 2<sup>nd</sup> Annual Multicultural Festival which was very interesting and informative; there was plenty of great food, entertainment and a lot of fun had by all who attended.

**Council Vice-President Schneider** – Council Vice-President Schneider reported that she is looking forward to going to Trenton tomorrow to continue to the fight for fair share school funding. She noted that over 8,000 signatures were gathered from residents.

Attended the 2<sup>nd</sup> Annual Multicultural Festival which was such a nice day. There were so many different cultures present and believes that next year's event will be even bigger.

Helped the students at Oak Tree School plant a gorgeous tree for Arbor Day.

Attended Police Unity Tour Fundraiser which helped raise money for the Policy Unity Tour Riders, Monroe has 12 riders attending.

**Councilman Dipierro** – No Report – Absent.

**Councilman Leibowitz** – Councilman Leibowitz reported that the Memorial Day wreath laying ceremony will be on Monday, May 30<sup>th</sup> beginning at the municipal building and then Veteran's Park. He noted that there will be bus service available for those who attend and are involved in the ceremony.

Attended the baseball and softball Opening Day Ceremonies, with our Mayor throwing out the first pitch.

**Council President Dalina** – Council President Dalina reported that last Monday the Youth Advisory Committee presented their mock crash which showed the outcome of drunk driving, calling it "The Sobering Truth". A helicopter from State Police arrived to transport the injured, DeMarco Funeral Home came with a Hurst and a casket, all three Fire Districts, Monroe Township Police Dept. and a mother from "MADD" talked about losing her daughter to a drunk driver. Following the mock crash a mock trial was then performed with our Judge, Township Prosecutor and Defense Attorney. It was an amazing event. He extended thanks to all involved and praised the coordination of all of the departments in making this happen.

Attended the Eagle Scout Court of Honor for Austin Aiken.

The Police Unity Tour Riders will be leaving on May 9<sup>th</sup> on their trek to Washington. Anyone interested in donating can still do so.

## **Public:**

**Mark Klein, 7 Crenshaw Ct.** – Mr. Klein congratulated Council President Dalina, Council Vice-President Schneider, Councilwoman Cohen and Administrator Weinberg in their new roles in the Township. He spoke about how flawed the State's school funding formula is and says that it is time to sue the State.

**Prakash Parab, 33 Dayna Dr.** – Mr. Parab attended the Assembly Budget Meeting on April 24<sup>th</sup>; it was his first time attending and felt it was a joke as the Commissioner of Education could not answer questions on the budget. He felt it was the drama of politics and no one had any solutions. He hopes that there is a solution before the election, if not we are going to rally.

**Jennifer Hluchy, 436 Schoolhouse Rd.** – Mrs. Hluchy asked for clarification on what is being proposed in O-5-2017-011; Township Engineer Rasimowicz answered that this ordinance increases the lot size from six acres to ten acres in the RRFZ Zone. Additionally, Lot 18, Block 26 is being rezoned to a neighborhood commercial zone. Mrs. Hluchy asked what the purpose was; Township Engineer Rasimowicz explained that the purpose is because we have some large parcels left in town and it is good for the township and it helps the environmental concerns out there as there are a lot of wetlands bringing them up from six acres to ten acres. Mrs. Hluchy commented that the equity is again being decreased for those who own six acres to ten acres; Township Engineer Rasimowicz answered that we cannot look at the value of the land we have to look at what is in the best interest of the town.

**Michele Arminio, 9 Nathaniel St.** – Mrs. Arminio asked if any soil testing had been done on Mounts Mills Road and Spotswood Englishtown Road; Township Engineer Rasimowicz answered yes that it was done as part of the import. The test results are done by testing labs provided by the developer and source of the soil. Mrs. Arminio asked if they were available for review under OPRA; Township Engineer Rasimowicz responded, yes they would be available.

Mrs. Arminio asked if someone has a copy of the petition that has the 8,000 signatures; Council Vice-President Schneider answered that the Ad-Hoc Committee would have a copy as that is where they were turned over.

Mrs. Arminio commented that she is delighted that Administrator Weinberg is excited about Open Space as she was a part of a small grassroots movement which was in support of Open Space. She added that she wanted to also point out that storm water basins are a part of Open Space as well feeling that Administrator Weinberg's 50% Open Space goal for the Township may not be completely realistic.

Mrs. Arminio questioned R-5-2017-133 and asked if this was the property on the corner of Spotswood -Gravel Hill Road and Matchaponix Road and if this means that the County is going to move towards eminent domain; Administrator Weinberg responded that this is an important project for our community. He further stated that in the agreement it states who will pay for what with the County. Explaining that we would need to acquire the Right of Way which is only needed for the intersection. Mrs. Arminio commented that she hopes the other property owners are treated the same.

**Patrick Hye, 228 Mounts Mills Rd.** - Mr. Hye commented that he wanted to let the Road Department know how much their hard work is appreciated and they should be recognized by Council for all that they do.

Mr. Hye voiced concern over the truck traffic on Mounts Mills Road and cited the ordinance that was passed back in October 1994 by the Township Council limiting the weight to 4 tons. He explained that between the hours of 5:00am and 9:45pm, last Thursday, 27 trucks drove through Mounts Mills Road. He stated that that road cannot handle that traffic. Three accidents involving trucks have happened on that road and they do not belong there. He explained that there is not proper signage on that road and went to the Township Engineer's Office to convey his concern, as well as, the County Engineer's Office. He feels our police department needs to enforce the ordinance because enough is enough. Mayor Tamburro responded that he was in receipt of Mr. Hye's email and asked for Administrator Weinberg and Township Engineer Rasimowicz to respond. Township Engineer Rasimowicz responded that he went out there today and noted that the signage is very confusing but has reached out to the County Engineer to discuss and review. Administrator Weinberg spoke with Chief Lloyd and agreed that more enforcement will be put on that road and hopes that will have some significant effect reducing the amount of truck traffic.

**Hy Grossman, 15 Doral Dr.** – Mr. Grossman commented that he is in full support of Mr. Hye's concern with the truck traffic on Mounts Mills Road and noted that the truck traffic is out of hand and something needs to be done.

**UPON MOTION** made by Council Vice-President Schneider and seconded by Councilman Leibowitz, the Regular Meeting was Adjourned at 9:25pm.

ROLL CALL: Councilwoman Miriam Cohen	Aye
Councilman Blaise Dipierro	Absent
Councilman Michael Leibowitz	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Patricia Reid  
PATRICIA REID, Township Clerk

Stephen Dalina  
STEPHEN DALINA, Council President