

COUNCIL OF THE TOWNSHIP OF MONROE

MINUTES

AGENDA MEETING - SEPTEMBER 24, 2012

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

The Agenda 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, Council Vice-President Henry L. Miller and Council President Gerald W. Tamburro.

ABSENT: Councilwoman Leslie Koppel

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

ABSENT: Mayor Richard Pucci

There were approximately fifteen (15) members of the Public present in the audience.

Council President Tamburro requested the following **SUNSHINE LAW** be read into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice of this meeting has been provided by the following:

1. Posted on January 6, 2012 on the Bulletin Board of the Office of the Township Clerk in the Municipal Building, 1 Municipal Plaza and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 6, 2012;
3. Posted on January 6, 2012 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 gave a brief update on the health status of Mayor Pucci advising he has had back surgery, is recuperating and will be back as soon as possible.

Council President Tamburro read the following entitled **ORDINANCE** for **SECOND READING** at the **MONDAY, OCTOBER 1, 2012** Regular Council Meeting:

- a. **ORDINANCE ACCEPTING THE CONVEYANCE OF A CONSERVATION EASEMENT AND DEED OF DEDICATION OF RIGHT OF WAY FROM T&S ASSOCIATES, INC.**
- b. **ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PARCELS OF LAND IDENTIFIED AS BLOCK 77, LOT 7 AND 7Q ON THE TAX MAP OF MONROE TOWNSHIP.**
- c. **ORDINANCE AUTHORIZING THE ACCEPTANCE OF LANDS GRANTED TO THE TOWNSHIP OF MONROE BY HOBART HILLS, INC. TO BE DEDICATED AS OPEN SPACE.** (Block 77, Lot 8.01)

- d. **ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PORTIONS OF PARCELS OF LAND IDENTIFIED AS BLOCK 77, LOTS 10.01, 10.02 AND 10.03 ON THE TAX MAP OF THE TOWNSHIP OF MONROE.**

Council President Tamburro read the following entitled **ORDINANCE** for **INTRODUCTION** at the **MONDAY, October 1, 2012** Regular Council Meeting:

- a. **ORDINANCE ACKNOWLEDGING MONROE TOWNSHIP'S ACCEPTANCE OF THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF BUCKLEW AVENUE (CR 522) AND HOFFMAN STATION ROAD (CR 614)**

Council President Tamburro requested the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, OCTOBER 1, 2012** Regular Council Meeting be reviewed and will be happy to address any questions:

- a. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR MAKE-A-WISH FOUNDATION OF NEW JERSEY.**
- b. **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE, PHASE 7, MOUNTS MILLS ROAD CURVE REALIGNMENT.**
- c. **RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT AWARDED TO VINCENTSEN-THOMPSON-MEADE, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE MONROE TOWNSHIP SENIOR CENTER PROJECT.**
- d. **RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT AWARDED TO ARCARI AND IOVINO ARCHITECTS, P.C. FOR ARCHITECTURAL SERVICES RELATED TO THE MONROE TOWNSHIP SENIOR CENTER PROJECT.**
- e. **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR CLEARVIEW ESTATES.**
- f. **RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT AWARDED TO SKYLINE ENVIRONMENTAL, INC. FOR ADDITIONAL SAFETY AND HEALTH TRAINING SERVICES.**
- g. **RESOLUTION DEMONSTRATING COMPLIANCE WITH REGULATIONS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY REGARDING THE 2011 ANNUAL AUDIT.**
- h. **RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH CIRCLE JANITORIAL SUPPLY SOUTH FOR CALENDAR YEAR 2013.**
- i. **RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**
- j. **RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS STATE TAX COURT APPEALS IN YEAR 2012 AS EXTRAORDINARY LITIGATION.**

- k. **RESOLUTION AUTHORIZING EXTENSION OF CONTRACT NO. 392 "SYSTEM REPAIR SERVICES" WITH PM CONSTRUCTION CO., INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.")**
- l. **RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) (2012 Quality of Life Grant - \$5,000)**
- m. **RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING OLD FORGE ROAD DRAINAGE IMPROVEMENTS.**
- n. **RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 408 "HYDRAULIC SEWAGE GRINDER" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (Bid Opening on 9/28/2012)**
- o. **RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT TO GANNETT FLEMING, INC. FOR WATER INFRASTRUCTURE DESIGN SERVICES FOR WELL NO. 22 – ADDITIONAL TREATMENT FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**
- p. **RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT WITH GANNETT FLEMING, INC. FOR WELLS 20 & 23 – ADDITIONAL ENGINEERING SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**
- q. **RESOLUTION AUTHORIZING THE TOWNSHIP BUSINESS ADMINISTRATOR/QPA TO PREPARE AND ADVERTISE REQUESTS FOR QUALIFICATIONS ("RFQ's") FOR VARIOUS PROFESSIONAL SERVICES FOR CALENDAR YEAR 2013.**
- r. **RESOLUTION AUTHORIZING THE TOWNSHIP UTILITY DEPARTMENT PURCHASING MANAGER TO PREPARE AND ADVERTISE FOR REQUESTS FOR QUALIFICATIONS ("RFQ's") FOR VARIOUS PROFESSIONAL SERVICES FOR CALENDAR YEAR 2013 FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**
- s. **RESOLUTION AMENDING RESOLUTION NO. R-9-2012-265 TO ADD FLEMINGTON BUICK CHEVROLET PONTIAC GMC, LLC AS AN ADDITIONAL VENDOR TO THE RESOLUTION ENTITLED "RESOLUTION AUTHORIZING THE PURCHASE OF THREE PICK-UP TRUCKS BY THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FROM MALL CHEVROLET USING THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM".**
- t. **RESOLUTION IN SUPPORT OF PROPOSED LEGISLATION (S-1896 AND A-1503) REQUIRING FIRE DISTRICTS, SCHOOL DISTRICTS AND COUNTY GOVERNMENTS TO PAY THEIR FAIR SHARE OF TAX APPEAL REFUNDS AND SETTLEMENTS.**
- u. **RESOLUTION REFUNDING TAX OVERPAYMENTS.**
- v. **RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLES EXTRAORDINARY LITIGATION FOR THE FRANCIS E. PARKER MEMORIAL HOME, INC.**

- w. **RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER R-6 SUBMITTED BY ARCO CONSTRUCTION GROUP, INC. FOR ADDITIONAL WORK PERFORMED IN CONNECTION WITH THE CONSTRUCTION OF THE MONROE TOWNSHIP SENIOR/TRANSPORTATION FACILITY.**
- x. **RESOLUTION SELECTING EMEX, LLC TO ADMINISTER A REVERSE ELECTRICITY AUCTION AND AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE WINNING BIDDER BASED UPON PRE-DETERMINED TARGET PRICING FOR ELECTRICITY REQUIRED BY THE TOWNSHIP OF MONROE.**
- y. **RESOLUTION SELECTING EMEX, LLC TO ADMINISTER A REVERSE ELECTRICITY AUCTION AND AUTHORIZING THE BUSINESS ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE WINNING BIDDER BASED UPON PRE-DETERMINED TARGET PRICING FOR ELECTRICITY REQUIRED BY THE MONROE TOWNSHIP UTILITY DEPARTMENT.**
- z. **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND FOR THE FALL 2012 TREE PLANTING PROGRAM.** (Richard Bentz – Fall 2012 Tree Planting Program)
- aa. **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND.** (Andy Matt, Inc. – Planting of approx. 137 trees)
- bb. **RESOLUTION AUTHORIZING AWARD OF BID FOR MONROE TOWNSHIP WEB BASED FUEL MANAGEMENT SYSTEM.** (Bid opening was 9-19-2012, under Attorney review)

Administrator Hamilton explained Resolution #7.x. – Reverse Electricity Auction with EMEREX – stating the approximate savings in electricity expense will be \$100,000. It is a Pilot Program authorized by the State.

Councilman Leibowitz asked the Business Administrator to address Item #7.t. for the benefit of the Public. Administrator Hamilton explained that the Resolution is in support of Legislation requiring Fire Districts, School Districts and County Government to pay their fair share of Tax Appeal Refunds. He stated that with the experiences of the last few years, the Municipality bears the full responsibility of the refund or credit that is issued in the tax appeals. There is currently a Bill in the Legislature that we are supporting that would spread the responsibility in paying out these refunds among all the taxing entities.

Councilman Leibowitz next questioned Item #7.c. & d. - Modifications of Contracts for the Senior Center.

Administrator Hamilton explained that these modifications are for the Construction Manager & Architect, allowing the professionals to continue on as the job is completed. Substantial completion date is estimated at the end of October, with furniture and employees shortly thereafter. There is also a comprehensive Change Order R-6, Item #7.w. on the Agenda, which is for some minor outstanding issues.

Council President Tamburro further advised that in June 2010 the Council passed a Resolution asking for the Attorneys to proceed against those who have caused the delays on the Senior Center project. In speaking to one of the Attorneys, he advised that we are now getting to a position to know what the damages might be and how to proceed. There may be some offsets for the extras and delays encountered.

Administrator Hamilton also added that we are also awaiting a developer's contribution of approximately \$2.2 Million Dollars to offset some of the construction costs.

Council Vice-President Miller asked Engineer Feist where Item #5.c. - Hobart Hills - Acceptance of land for open space, is located. Engineer Feist explained that it is located behind the Reserve - the extension of Matchaponix Road.

Mayor' Report – Absent

Administrator's Report – Administrator Hamilton clarified a statement made last week that was not factual. The Governor stated last week that “the Mayor intentionally reduced the debt payment during his re-election year and now this year has to exhilarate all those debt payments because he didn't make them”. Administrator Hamilton that this is not factually correct. The debt payments that preceded his election and proceeding this year were constant i.e. \$4.8 Million, \$4.7 Million, \$4.8 million, \$4.7 Million and this year a large increase because of the permanent bond sale.

Engineer's Report – Engineer Feist advised that the new traffic signal at the intersection of Buckelew Avenue and Mount Mills Road was in flashing mode over the weekend and for another day or two and then it will go to full activation.

There is also a bid opening on October 11th for Encore, Phase II which is the town's efforts to complete and repair parts of a project not completed by the developer that went bankrupt.

Council Reports:

Councilman Leibowitz – spoke about property maintenance issue in his neighborhood that is now resolved. The Construction Office & Zoning Office did an admirable job.

Councilman Dalina – spoke about the “Green Fair” on Oct 6th at the Oak Tree School from 10am-3pm, advising old bike can be donated and a tax credit will be available.

Council Vice-President Miller – No report.

Council President Tamburro - Commented on the 9/11 Remembrance Nite.

Public:

Michele Arminio, 9 Nathaniel St. – Questioned Item #7.c. & d. on the Agenda - Modifications – extending two professional service contracts for Arcari & Iovino and Vincentsen-Thompson-Meade.

Administrator Hamilton explained that the Resolutions extend two professional service contracts for two more months for the Construction Management Company and Architect for the Senior Center project. The Architect is \$12,500 per month and the Construction Management Company is \$14,600 per month.

Ms. Arminio further questioned the following Resolutions:

Item #7.v. – Additional fees to Shain, Schaffer & Rafanello for Extraordinary Litigation for the Francis E. Parker Memorial Home - \$12,500. With this authorization it totals \$27,000.

Item #7.z. & 7.aa. – Fall Tree Plantings of approximately 137 trees. She asked if this is throughout the community and Administrator Hamilton responded “yes”, it is throughout the community and it is done every Fall at a cost of \$28,690 to Andy Matt, Inc. and Rick Bentz, the Tree Specialist whose fee is \$5,915. Both of these expenses come from the Shade Tree Trust Fund. She asked the amount left in the fund and Administrator Hamilton responded that he would have that information next week.

Item #.7.j. – Additional fees to Shain, Schaffer & Rafanello for Tax Court Appeals - Administrator Hamilton responded that this brings us to the full budgeted amount of \$245,000 for tax appeal defense work for 2012. She then asked the number of cases won which was not immediately known. She then stated that at the budget hearings the Tax Collector stated that 90% were won by the resident. Administrator Hamilton believes that this year not as many appeals were successful.

Administrator Hamilton also stated that much of the legal work is not with the current year residential appeals. Much of the legal work is with the larger commercial appeals that involve prior year's taxes.

Item #7.m. – Execution of an Agreement with the NJDEP regarding Old Forge Road Drainage Improvements – Administrator Hamilton explained it is regarding a Storm Water Discharge Permit for work that was done on Old Forge Road. Payment to the State of New Jersey in the amount of \$15,000.

Donna Mongelli, 127 Masters Drive, Regency – Tax Increase questions. Administrator Hamilton advised he will be speaking in Regency on October 3rd and he will once again give the full explanation for the increase in taxes. She was satisfied with that and stated she will see him then.

Pat Carroll, 243 Mount Mills Rd. – was happy to see the traffic light on Mount Mills Rd. She questioned the proposed traffic light on Mount Mills and Spotswood-Englishtown Rd. and the status. Engineer Feist explained that as part of the tri-party agreement with Toll Bros. lights were found warranted at three other locations. When the traffic warrant analysis was done by the developer, on behalf of Middlesex County, that analysis showed that a traffic signal was not warranted at the intersection of Spotswood-Englishtown Rd. and Mount Mills Road. The County would not permit the installation of the traffic signal. He believes that in the near future the warrants will be there for a signal.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz the meeting was Adjourned at 7:35pm.

ROLL CALL:	Councilman Stephen Dalina	Aye
	Councilman Michael Leibowitz	Aye
	Council Vice-President Henry L. Miller	Aye
	Council President Gerald W. Tamburro	Aye

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on _____