

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
REGULAR MEETING - - DECEMBER 3, 2012

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, Councilwoman Leslie Koppel, Councilman Michael Leibowitz, and Council President Gerald W. Tamburro.

ABSENT: Council Vice-President Henry L. Miller

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

There were approximately thirty-five (35) 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 the **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.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the **CLAIMS** per run date of **11/19/2012** were approved for payment as presented.

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Dalina, the **MINUTES** of the **November 7, 2012 Emergency Meeting** were approved as written and presented.

ROLL CALL: Councilman Stephen Dalina	Abstain
Councilwoman Leslie Koppel	Abstain
Councilman Michael Leibowitz	Aye
Council President Gerald W. Tamburro	Aye

UPON MOTION made by Councilman Dalina and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, SPECIFICALLY CHAPTER 8 THEREOF ENTITLED, "ALCOHOLIC BEVERAGES"**.

ORDINANCE as follows (O-12-2012-038)

BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey as follows:

SECTION 1. The annual salary and wage increases shown in the 2011 – 2014 Supervisory Salary and Wage Ordinance of the Township of Monroe shall be amended to reflect no salary increases for Calendar Year 2013 and a 10% salary reduction for Mayor and Council.

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 upon final passage and publication as provided by law.

SO ORDAINED, as aforesaid.

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

There was no Council or Public discussion.

As Councilman Dalina and Councilwoman 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 AMENDING THE CODE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, SPECIFICALLY CHAPTER 8 THEREOF ENTITLED, "ALCOHOLIC BEVERAGES"**.

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

Copy of Ordinance Duly Filed.
O-12-2012-038

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

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

Copy of an Ordinance Duly Filed.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, CHAPTER 77 ENTITLED "PEDDLING AND SOLICITING"**.

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

Copy of an Ordinance Duly Filed.

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Dalina, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE AMENDING THE 2011 – 2014 SUPERVISORY SALARY AND WAGE ORDINANCE FOR THE TOWNSHIP OF MONROE.**

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

Copy of an Ordinance Duly Filed.

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

- R-12-2012-340 RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR STONEBRIDGE PHASE 2 - SECTION 8B.
- R-12-2012-341 RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUAANTEES POSTED FOR MATRIX 259 PROSPECT PLAINS, LLC.
- R-12-2012--342 RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 2 SUBMITTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") BY CLYDE N. LATTIMER & SON CONSTRUCTION CO., INC. FOR CONTRACT 399, WELL 19 IMPROVEMENTS.
- R-12-2012-343 RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR WATERSIDE VILLAS (KOHL PARTNERS, LLC), BLOCK 27, LOT 9.04 – W&S 439.4R.
- R-12-2012-344 RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 409, "LIQUID ZINC PYROPHOSPHATE" TO KLENZOID, INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").
- R-12-2012-345 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH NORTHSTAR VETS FOR MEDICAL CARE OF STRAY ANIMALS FOUND WITHIN THE TOWNSHIP OF MONROE FOR YEAR 2013.
- R-12-2012-346 RESOLUTION AUTHORIZING AWARD OF BID FOR ENCORE DRAINAGE – PHASE 3.

- R-12-2012-347** RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR “WATER AND WASTE WATER TESTING SERVICES” TO AQUA PRO-TECH LABORATORIES, INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-12-2012-348** RESOLUTION REJECTING THE BID AND AUTHORIZING THE REBID FOR CONTRACT 411, “DISPOSAL OF SOLID WASTE” FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-12-2012-349** RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR BACK-UP GENERATOR MAINTENANCE AND REPAIR SERVICES FOR THE TOWNSHIP OF MONROE AND MONROE TOWNSHIP UTILITY DEPARTMENT.
- R-12-2012-350** RESOLUTION AUTHORIZING APPROVAL OF CHANGE ORDER R-7 SUBMITTED BY ARCO CONSTRUCTION GROUP, INC. FOR ADDITIONAL WORK PERFORMED IN CONNECTION WITH THE CONSTRUCTION OF THE MONROE TOWNSHIP SENIOR/TRANSPORTATION FACILITY.
- R-12-2012-351** 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.
- R-12-2012-352** 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.
- R-12-2012-353** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE PROFESSIONAL SERVICE CONTRACTS WITH FEIST ENGINEERING, INC. FOR VARIOUS PROFESSIONAL ENGINEERING SERVICES RELATED TO 2012 CAPITAL PROJECTS.
- R-12-2012-354** RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-12-2012-355** RESOLUTION AUTHORIZING THE SUBORDINATION OF AFFORDABLE HOUSING LIEN ON 1123 MORNING GLORY DRIVE.
- R-12-2012-356** RESOLUTION AUTHORIZING THE SUBORDINATION OF AFFORDABLE HOUSING LIEN ON 1171 MORNING GLORY DRIVE.
- R-12-2012-357** RESOLUTION AUTHORIZING THE SUBORDINATION OF AFFORDABLE HOUSING LIEN ON 1086 MORNING GLORY DRIVE.
- R-12-2012-358** RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN INDEMNITY AND TRUST AGREEMENT SIGNIFYING CONTINUED MEMBERSHIP IN THE MIDDLESEX COUNTY JOINT INSURANCE FUND.
- R-12-2012-359** 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 Body Armor Replacement Fund Program - \$4,965.85
- R-12-2012-360** 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 Recycling Tonnage Grant - \$130,077.60

- R-12-2012-361** 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) NJDOT – 2012 Aid – Federal Rd. - \$250,000.00
- R-12-2012-362** 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) Drive Sober or Get Pulled Over - 2012 Year- End Crackdown Grant - \$4,400.00
- R-12-2012-363** RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.
- R-12-2012-364** RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. RELATED TO REPRESENTATION OF THE TOWNSHIP IN VARIOUS MATTERS OF EXTRAORDINARY LITIGATION. (Toll Bros. Intersection Condemnations)
- R-12-2012-365** RESOLUTION AUTHORIZING MODIFICATION TO A PROFESSIONAL SERVICE CONTRACT EXECUTED WITH FEIST ENGINEERING, INC. FOR 2012 GENERAL ENGINEERING SERVICES. (Add'l services related to Hurricane Sandy)
- R-12-2012-366** RESOLUTION SUPPORTING THE “DRIVE SOBER OR GET PULLED OVER” 2012 YEAR-END STATEWIDE CRACKDOWN.
- R-12-2012-367** RESOLUTION CONFIRMING THE TOWNSHIP’S ACCEPTANCE OF THE COST-SHARE ALLOCATED TO THE TOWNSHIP BY THE MIDDLESEX COUNTY AGRICULTURAL DEVELOPMENT BOARD FOR THE PURCHASE OF A DEVELOPMENT EASEMENT ON “INDYK’S” FARM.
- R-12-2012-368** RESOLUTION REFUNDING TAX APPEALS AND TAX OVERPAYMENTS.

The following Resolutions on the Consent Agenda were questioned by Council:

Councilwoman Koppel asked for a clarification of Item #11.f. – Contract for Northstar for Medical Care for stray animals. Administrator Hamilton explained.

Councilman Leibowitz asked for an explanation of Item #11.s. – Indemnity & Trust Agreement signifying continued membership in the Middlesex County Joint Insurance Fund. Administrator Hamilton gave a detailed explanation on this Agreement.

Councilman Leibowitz questioned if the new deductible was per event or per building and Administrator Hamilton responded that it is still being ascertained.

Council President Tamburro requested a **ROLL CALL** on the adoption of the **RESOLUTIONS** under **CONSENT AGENDA**:

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

Mayor – No Report

Administrator – No Report

Engineer – No Report

Council Reports:

Councilman Leibowitz – No Report

Councilman Dalina – mentioned that the Recreation Dept. will hold a house decorating contest from Dec. 17th – Jan. 4th. There is also a dodge ball tournament on Dec. 29th and Grandparents Day with lunch, photo and a movie will be held on Dec. 27th.

Councilwoman Koppel – No Report

Council President Tamburro – No Report

Public:

Gary Busman, 7 Monarch Rd. – questioned item #11.a. – Reduction of Performance Guarantee for Stonebridge Phase 2. Section 8B, asking the amount.

Engineer Feist advised him of the reduction amounts and also informed him of the items completed that warrant the reduction in the Performance Guarantee.

Robert Roche, 18 Muirfield Blvd. – asked the source of funds for Items #11.t. thru 11.w. Chapter 159.

Administrator Hamilton responded that all Grant Programs that come in are the result of surcharges on motor vehicle violations, and/or funded by the State of NJ or the County Prosecutors Office. We carry them into the following year. Budgets are amended to show the added revenue.

Virginia McGuinness, 3 Nantucket Lane – stated that she learned that in 2004-2005 Nantucket Lane flooded and there was a Commission formed that existed until 2008. She now understands that there is an Interlocal Agreement. There were 5 ponds added into the volume of water in a pond that was designed solely to irrigate a golf course. Storm drains were also added into the pond. It has been 15 months and Nantucket Lane has flooded 4 times. Seventeen homes have been flooded along with cars being lost.

Engineer Feist responded that she is correct in that there are on-going discussions with Middlesex County, the Rossmoor Administration, and the Township of Monroe to make certain improvements to reduce the chance of flooding as described. Discussions are still on-going. Rossmoor has hired an engineering company to begin designing the improvements that will be done. He has met with DEP and this is where we stand right now.

She would like to know when the work will begin and Engineer Feist stated that he cannot make a commitment for Middlesex County. He can only update her on the status.

Marianne Lester, 44 Avenue I – questioned Items #11.k.,l.,m. & y. – Modifications and the cost incurred.

Administrator Hamilton responded that Item #11.y. Extraordinary Litigation for representing the town in condemnation of the Toll Bros. Intersection of Route 522 & Route 613 for a traffic signal. Litigation will be at the expense of Toll Bros. - \$10,000.

Item #11.k. – Change Order for the Senior Center - \$16,235.38 bringing the total Change Orders for this project to \$320,413.92 which equates to 3.2% of the original contract.

Pam Sandifer, 445 Schoolhouse Rd. – the intersection of Spotswood-Englishtown Rd. and Mounts Mills Rd. – feels the turning lanes are very dangerous.

Engineer Feist responded that it is a County intersection with the County Engineers Office requiring that striping to be put in as part of an improvement that Toll Bros. was making. No traffic light is going in presently. He agrees and has reached out to the County Engineers office to look for them to make modifications to the Plan that was approved.

She then spoke on Parker House going in on Schoolhouse Road. The people were told that the town was going to appeal the judges' decision. They were assured at the November meeting that due to the storm, they were trying to get the appeal extended. She stated they then appeared at the last meeting and to find it was approved for a preliminary and final. The Public portion was closed and therefore neighbors were not able to speak again. Parker is coming in with the assisted living removed, which at a previous meeting, the Planning Board deemed this as a new application. Now it seems it's okay. She pleaded with the Mayor and Council to make a land swap with Parker, stating that it does not belong on a small residential road.

Council President Tamburro stated that it is his understanding that it went to the Court and the Court ruled against the Township. The Planning Board did not have a choice but to approve it or the Judge would have given them automatic approval for the total package that was originally presented.

She stated that had it been known that the town was not going to appeal, the neighbors would have appealed it further. Now, their hands are tied and they are not able to ask any questions at the Planning Board Meeting and feels it's.

Jennifer Hluchy, 436 Schoolhouse Rd. – asked to speak regarding the Parker Facility, stating she was dismayed to find that the neighbors are unable to reassess new information provided by the applicant. She recognizes why the approval was made, but there is a list of off-site improvements that many of the residents on the street feel need to be done. There is only one off-site improvement the applicant has offered to do and that is the improvement of the triangle intersection at Schoolhouse Rd and Spotswood-Gravel Hill Rd.

She then presented a list of off-site improvements that a number of the residents on the street are requesting.

Council President Tamburro stated that he would present the list to the Planning Board Attorney.

Mayor Pucci stated that he wants to do everything possible to help the situation and that Engineer Feist will be a part of this also. The Mayor also recommended that a Committee be formed with Attorney Convery to go over some of these requests.

Engineer Feist stated that an appeal was made for a "stay" and that appeal was denied by the Court. Parker will have to provide a Plan to the Planning Department which will be distributed to Engineer Feist and Mr. Remsa, the Township Planner, for review and comment and that will be a back and forth process between himself and the developer. These plans will probably take a month or two and will be available for public review.

Jennifer Hluchy then mentioned that due to the reduction of beds there is a parking requirement for spaces required for patients and employees in this facility and asked if this means the parking requirements will be reduced substantially for that wing and Engineer Feist was unsure of the intent.

Michele Arminio, 9 Nathaniel St. – feels that with the recent changes in the Master Plan, both the Planning Board and the Township Council have substantially increased residential housing coming into Monroe. We are seeing high density planning coming before the Planning Board. She then mentioned the application before the Planning Board to be located on Spotswood-Englishtown Rd./Mounts Mill Rd proposing almost 300 residential units (single family homes, townhouses and condo's). She stated that corner had been neighborhood commercial and has recently been changed through the new Master Plan. The same thing has been approved on Applegarth Rd. and Route 33. She stated she is concerned about the promise of 50% open space, the impact on the schools, and wetlands. She also expressed her concern with preliminary and final approval being given at a meeting which at one time was discouraged.

Melvin Lynn, 122 Timberhill Dr. Stonebridge – spoke on Hurricane Sandy. Thanked friends, neighbors, Texas Rd. Pharmacy, Stop & Shop, and the utility crew from So. Carolina. He then criticized the Administration for lack of communication.

Council President Tamburro advised what steps were taken with Stonebridge, stating that he personally met with Stonebridge's Manager, Assistant Representatives to the Board and conference called Lennar as to their responsibilities.

Engineer Feist elaborated on what information was provided prior to the storm & the number of reverse 9-1-1 calls that were made. Management companies of the gated communities were contacted and were given information in the hopes that they would advise their residents.

George Gunkelman, 5 Kelly Ct. – questioned Item #11.g. – Encore Drainage, asking for an explanation. Engineer Feist explained that it is Phase 3 of the remediation program. All funding comes from an \$800,000 settlement between Monroe Twp. and the bonding company that represented the developer of Encore.

Item #11.s. – Trust Agreement signifying continued membership in the Middlesex County Joint Insurance Fund. He asked what part of the County administers this fund and Administrator Hamilton explained that this is a separate organization that is incorporated with a number of other municipalities. The County itself is not a party of it.

He then asked if it used a broker and Administrator Hamilton explained that it has a Risk Management Consultant that manages the fund.

Barbara Hartlander, 407 Schoolhouse Rd. - asked when Parker House submits revised plans, can the residents ask questions and Engineer Feist responded that there will not be a Public Hearing with Parker House representatives at the Planning Board, but the Planning Board does have a Public portion for any topic at the end of the meeting. Any suggestions should be submitted to him.

She then stated that she lives on Schoolhouse Rd. and she is speaking for a lot of the people who live there. She is very upset with Parker being built on Schoolhouse and feels it will ruin the neighborhood. To put a facility of this size in this location when there are so many other suitable site, makes no sense to her. She asked the Mayor to work with Parker to make some sort of a swap to have it placed in a better location.

Russell Hughes, 381 Schoolhouse Rd. – Lives directly across from the triangle at the bottom of Schoolhouse Rd and is concerned with the design as he is a truck driver. He is also concerned about the wetlands behind his house. The stream is re-routing itself. Engineer Feist stated he will meet with Mr. Hughes and take a look at the situation.

Mr. Hughes then spoke on the improvements to be done by Yeshiva that were never done. His concern was that Parker would be built and also not do the required improvements. He would like to see the improvements done first.

Engineer Feist advised that they would have to do the improvements prior to a certificate of occupancy. He also advised that Parker has a resolution of approval that is prepared by the Planning Board, a review letter by Feist Engineering and a review letter by the Planner for the town. They have committed to do what is in those two letters. He cannot create a new list for Parker to do. He can ask, but cannot make them do it.

Mr. Hughes stated his concern is the intersection. Engineer Feist explained that Parker must produce an engineering drawing before anything starts. That is in the Agreement with the town.

Pat Small, 405 Schoolhouse Rd. – She has lived on Schoolhouse Rd since 1994 and will be putting her house up for sale on Wednesday because of Parker House. She asked that the Mayor and Council please give her neighbors a chance to give suggestions regarding the Parker House facility.

UPON MOTION made by Councilman Dalina and seconded by Councilman Leibowitz, the meeting was Adjourned at 8:20pm.

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

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on _____