

THE FOLLOWING IS A **PRELIMINARY AGENDA** AND THERE MAY BE CHANGES MADE TO THE AGENDA BEFORE OR AT THE MEETING, AS PROVIDED BY LAW.

**REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

APRIL 9, 2018

AGENDA

1. Call to Order. (7:00 p.m.)

2. Salute to the Flag.

3. **ROLL CALL:**

Councilman Leonard Baskin
Councilwoman Miriam Cohen
Councilman Charles Dipierro
Council Vice-President Elizabeth Schneider
Council President Stephen Dalina

4. Council President Dalina to request 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 has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on January 2, 2018 and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 5, 2018;
3. Posted on the Monroe Township website; and
4. 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.

5. **PROCLAMATIONS and PRESENTATIONS:**

PROCLAMATIONS:

UDRIVE, UTEXT, UPAY – Distracting Driving Crackdown
April 1 – 21, 2018

HOLOCAUST DAY OF REMEMBRANCE
April 22, 2018

ROSSMOOR JEWISH CONGREGATION 50th ANNIVERSARY
April 14, 2018

SEXUAL ASSAULT AWARENESS
April 25, 2018 – Wear Denim Day

ARBOR DAY
April 27, 2018

PROCLAMATION presented to the Family of Om Parikh:

“PEDIATRIC CANCER AWARENESS MONTH in honor of **Om Parikh”**
May 2018

PRESENTATIONS:

Monroe Bowling 2018 Central Jersey Group IV Girls Champions

Bridget Bolan Shannon Glynn
Nina Carey Alexa Hnath
Gabrielle Casella Victoria Stasicky
Kayleigh Craver Hanna Touri

Coach: Samantha Grimaldi

Monroe Township High School Cheer 2018 Undefeated State and National Champions

Ava Maddox Rebecca Antonacci Danni Higgins Juliana Primavera
Dani Goldstein Brianna Gorhan Alexandra Cirlincione Sarah Menninger
Sofia Ramirez Nicole Ryan Danielle Frantz Ashley Kozar
Maya Herbstman Sydney Marinelli Maggie Kapoor Alexis Holland
Alexis Lehr Emily Oge Gracie Esandrio Gianna Arcaro
Amanda Antonacci Taylor Spalding Natalie Depalma Dyanna Maresco

Coaches: Erica Brown, Sarah Pramberger, Rebecca Tessler, Laura Sidler

6. **MOTION** to approve the payment of **CLAIMS** per run date 03/22/2018.

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

7. **APPROVAL OF MINUTES:**

MOTION to approve the **MINUTES** of the following Meetings as written and presented:

- **February 26, 2018 Agenda Meeting**
- **March 5, 2018 Regular Meeting**
- **March 26, 2018 Agenda & Special Meeting**
- **March 26, 2018 Closed Session Meeting**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

8. **ORDINANCE(S) FOR SECOND READING:**

**O-3-2018-007 ORDINANCE ACCEPTING THE DEDICATION OF LAND
 APPEARING ON THE OFFICIAL TAX MAP OF THE
 TOWNSHIP OF MONROE AS BLOCK 57, LOT 3.12.
 (Forsgate Drive)**

MOTION: _____

SECOND: _____

PUBLIC HEARING/DISCUSSION

ROLL CALL: Ayes _____ Nays _____

**O-3-2018-008 ORDINANCE ESTABLISHING CHAPTER 68A OF THE
MONROE TOWNSHIP CODE ENTITLED, “THE MAYOR’S
N.J. TRAINING SCHOOL OPEN SPACE PRESERVATION
TASK FORCE”**

MOTION: _____

SECOND: _____

PUBLIC HEARING/DISCUSSION

ROLL CALL: Ayes _____ Nays _____

**O-3-2018-009 ORDINANCE AMENDING THE 2015-2018 SUPERVISORY
PERSONNEL SALARY AND WAGE ORDINANCE.
(Adding – Electrician, per diem)**

MOTION: _____

SECOND: _____

PUBLIC HEARING/DISCUSSION

ROLL CALL: Ayes _____ Nays _____

**O-3-2018-010 ORDINANCE AMENDING CHAPTER 122 OF THE CODE
OF THE TOWNSHIP OF MONROE ENTITLED “VEHICLES
AND TRAFFIC”.
(No turn on red Perrineville Rd/Union Valley Rd.)**

MOTION: _____

SECOND: _____

PUBLIC HEARING/DISCUSSION

ROLL CALL: Ayes _____ Nays _____

**O-3-2018-011 ORDINANCE AMENDING CHAPTER 108 OF THE CODE
OF THE TOWNSHIP OF MONROE SPECIFICALLY
ARTICLE XIII ENTITLED “GUARANTIES AND
IMPROVEMENT PROCEDURES” TO COMPORT WITH
RECENT AMENDMENTS TO STATE LAW CONCERNING
PERFORMANCE AND OTHER GUARANTEES
MUNICIPALITIES MAY REQUIRE FROM DEVELOPERS.**

MOTION: _____

SECOND: _____

PUBLIC HEARING/DISCUSSION

ROLL CALL: Ayes _____ Nays _____

9. **ORDINANCE(S) for INTRODUCTION:**

O-4-2018-012 **ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED “CONSTRUCTION CODES, UNIFORM” TO EXEMPT IMPROVEMENTS MADE ON PUBLIC PROPERTY FROM FEES.**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

O-4-2018-013 **ORDINANCE ACCEPTING DEEDS FOR THE PUMP STATION SITE NO. 13 AT REGENCY AT MONROE.**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

O-4-2018-014 **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “LAND DEVELOPMENT” REGARDING MULCH PROCESSING.**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

O-4-2018-015 **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

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

R-4-2018-110 **RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE POSTING AND ACCEPTANCE OF MAINTENANCE GUARANTEES FOR BLOCK 169.22, LOTS 2.01-2.04, RIVER ROAD ESTATES – W & S POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (River Rd.)**

R-4-2018-111 **RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES FOR W & S 1021, YIANNIS RIVER ROAD, LLC. POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (River Rd.)**

- R-4-2018-112** **RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO A DEVELOPERS AGREEMENT BY AND BETWEEN MONROE 33 DEVELOPERS, LLC. AND THE TOWNSHIP OF MONROE FOR IMPROVEMENTS TO THE MONROE TOWNSHIP UTILITY DEPARTMENT'S PUMP STATION NO. 2. (Butcher Rd.)**
- R-4-2018-113** **RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES FOR 2018. (System Repair Services, Patch Paving and Concrete, Well Repair & Maintenance Services, Ion Exchange System Repair & Maintenance Services and Skid Mounted Valve Maintenance System.)**
- R-4-2018-114** **RESOLUTION AUTHORIZING A CONTRACT WITH TRI-STATE LIGHT AND ENERGY INC. FOR AN AUDIT FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT UNDER THE 70/30 DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES.**
- R-4-2018-115** **RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO SUBURBAN CONSULTING ENGINEERS, INC. FOR ENGINEERING SERVICES FOR THE MONMOUTH ROAD WATER MAIN REPLACEMENT PROJECT FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (\$72,500)**
- R-4-2018-116** **RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO R3M ENGINEERING, INC. FOR GENERAL ENGINEERING SERVICES IN RELATION TO MONROE PARKE PS#16, ASHMALL PS#7 AND MISC. AS-NEEDED SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (\$81,840)**
- R-4-2018-117** **RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE. (\$37.00)**
- R-4-2018-118** **RESOLUTION AUTHORIZING THE AWARD OF BID TO PABCO INDUSTRIES, LLC. FOR PURCHASE OF GRASS BAGS FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$.3716 per unit)**
- R-4-2018-119** **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE POSTED FOR PUSHTEL CONSTRUCTION INC. PB-1162-15. (River Rd.)**
- R-4-2018-120** **RESOLUTION AUTHORIZING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**
- R-4-2018-121** **RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL FEES TO SHAIN SCHAFFER, P.C. TO REPRESENT THE TOWNSHIP IN ACQUIRING REAL PROPERTY DESIGNATED AS BLOCK 25, LOT 14.1 AND 16 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MONROE. (\$15,000)**
- R-4-2018-122** **RESOLUTION AUTHORIZING SHAIN SCHAFFER, P.C. TO HANDLE THE MATTER OF AFTEL v. TOWNSHIP OF MONROE AS EXTRAORDINARY LITIGATION. (\$6,102.00 Final)**

- R-4-2018-123 RESOLUTION AUTHORIZING EMERGENCY 2018
TEMPORARY BUDGET APPROPRIATIONS.**

- R-4-2018-124 RESOLUTION PROVIDING THAT THE 2018 MUNICIPAL
BUDGET BE READ BY TITLE AT THE TIME OF THE
PUBLIC HEARING.**

- R-4-2018-125 RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
WATER AND SEWER SERVICE REPAIR PLANS FOR
MONROE TOWNSHIP RESIDENTIAL PROPERTY OWNERS.**

- R-4-2018-126 RESOLUTION INTRODUCING THE 2018 MUNICIPAL
BUDGET.**

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

- 11. Mayor's Report.

- 12. Administrator's Report.

- 13. Engineer's Report.

- 14. Council's Reports.

- 15. Public. (5 Minutes per Speaker)

- 16. Adjournment. Time: _____

MOTION: _____

SECOND: _____

ROLL CALL: Ayes _____ Nays _____

TOWNSHIP OF MONROE
COUNCIL MEETING MINUTES
REGULAR MEETING – APRIL 9, 2018

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

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

ALSO PRESENT: Mayor Gerald W. Tamburro, Business Administrator Alan M. Weinberg, Township Attorney Joel Shain, Engineer Mark Rasimowicz and Deputy Township Clerk Christine Robbins.

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 has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on January 2, 2018 and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 5, 2018;
3. Posted on the Monroe Township website; and
4. 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 Dalina read aloud the following Proclamations into the record:

UDRIVE, UTEXT, UPAY – Distracting Driving Crackdown
April 1 – 21, 2018

HOLOCAUST DAY OF REMEMBRANCE
April 22, 2018

ROSSMOOR JEWISH CONGREGATION 50th ANNIVERSARY
April 14, 2018

SEXUAL ASSAULT AWARENESS
April 25, 2018 – Wear Denim Day

ARBOR DAY
April 27, 2018

Mayor Tamburro invited the Parikh family to join him while he read aloud the proclamation for **“PEDIATRIC CANCER AWARENESS MONTH** in honor of **Om Parikh”** - May 2018. Om Parikh was an 8th grade student at Oak Tree Middle School who passed away on February 7th from a brain tumor. He brought a message of strength and optimism in the face of diversity to his peers. Om’s older sister shared her memories of her brother who succumbed to this terrible disease and thanked the Mayor, Council and community for all of their support in keeping Om’s memory alive. Mayor Tamburro reminded everyone that the 5k fundraiser in memory of Om will be held at Thompson Park in the coming weeks. Council President Dalina added that Monroe will always be there for the Parikh family just like Om will always be there for us in all of our hearts.

Council President Dalina introduced the Monroe Township Athletic Director Greg Beyer and Superintendent Mary Lange to come up and present the awards to the girls bowling team. Mr. Beyer commented that our ladies went from Division Champs to GMC Champs to Group IV Central Jersey Champs which is a fantastic accomplishment. Mr. Beyer introduced Coach Gara who commented that it was a very rewarding season and congratulated all of the girls on a phenomenal season. She read aloud the names of all of the players, who then came forward to receive their award and take pictures.

Monroe Bowling 2018 Central Jersey Group IV Girls Champions

Bridget Bolan	Shannon Glynn
Nina Carey	Alexa Hnath
Gabrielle Casella	Victoria Stasicky
Kayleigh Craver	Hanna Touri

Coach: Samantha Grimaldi

Next, Mr. Beyer praised the girls cheerleading team who has won, not only the National Championship and State Championship, but has also had an undefeated season and with many of these ladies being repeat National Championship participants from previous seasons. He thanked Coach Brown who worked diligently in getting the girls to the competition in the height of the snowstorm. He introduced Coach Brown and Coach Pramburger who complimented all of the girls on their hard work during the season, adding that they are truly an unstoppable team. They read aloud the names of the cheerleaders, who then came forward to receive their award and take pictures.

Monroe Township High School Cheer 2018 Undefeated State and National Champions

Ava Maddox	Rebecca Antonacci	Danni Higgins	Juliana Primavera
Dani Goldstein	Brianna Gorhan	Alexandra Cirlincione	Sarah Menninger
Sofia Ramirez	Nicole Ryan	Danielle Frantz	Ashley Kozar
Maya Herbstman	Sydney Marinelli	Maggie Kapoor	Alexis Holland
Alexis Lehr	Emily Oge	Gracie Esandrio	Gianna Arcaro
Amanda Antonacci	Taylor Spalding	Natalie Depalma	Dyanna Maresco

Coaches: Erica Brown, Sarah Pramberger, Rebecca Tessler, Laura Sidler

Council President requested a two-minute recess for the opportunity to take pictures; the Regular Meeting resumed at 7:30.

UPON MOTION made by Councilwoman Cohen and seconded by Council Vice-President Schneider, the **CLAIMS** per run date of **03/22/2018** were approved for payment as presented.

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	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 **February 26, 2018 Agenda Meeting, March 5, 2018 Regular Meeting, March 26, 2018 Agenda & Special Meeting and March 26, 2018 Closed Session Meeting** were approved as written and presented.

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was moved on second reading for final passage:
O-3-2018-007 ORDINANCE ACCEPTING THE DEDICATION OF LAND APPEARING ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MONROE AS BLOCK 57, LOT 3.12. (Forsgate Drive)

ORDINANCE as follows: (O-3-2018-007)

WHEREAS, South Middlesex Industrial Park Associates, LP, is the record owner of land appearing on the official tax map of the Township of Monroe as Block 57, Lot 3.12 (the "Property"), which is vacant land used as a retention basin along Forsgate Drive; and

WHEREAS, the Monroe Township Utility Department has identified the property as a suitable location for a new sanitary sewer force main; and

WHEREAS, the force main is necessary to provide a more resilient sewer system; and

WHEREAS, South Middlesex Industrial Park Associates, LP has offered to donate the Property to the Township at no cost to the Township; and

WHEREAS, the Township Council has, after consultation with its legal, engineering and utility professionals, determined that it is in the public interest to assume the ownership of the property;

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

Section 1. The Township Clerk and Township Attorney are hereby authorized and directed to take all steps and execute any and all documents which are reasonably necessary for the Township to accept dedication of Block 57, Lot 3.12.

Section 2. The Tax Collector is hereby authorized to exempt Block 57, Lot 3.12 from taxation as of the effective date of this Ordinance.

Section 3. The Tax Assessor is hereby authorized to remove Block 57, Lot 3.12, from the tax roll as of the effective date of this Ordinance.

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

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

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

SO ORDAINED as aforesaid.

No Public Comment.

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **O-3-2018-007 ORDINANCE ACCEPTING THE DEDICATION OF LAND APPEARING ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MONROE AS BLOCK 57, LOT 3.12.** (Forsgate Drive)

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-3-2018-007

UPON MOTION made by Council Vice-President Schneider and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was moved on second reading for final passage: **O-3-2018-008 ORDINANCE ESTABLISHING CHAPTER 68A OF THE MONROE TOWNSHIP CODE ENTITLED, "THE MAYOR'S N.J. TRAINING SCHOOL OPEN SPACE PRESERVATION TASK FORCE"**

ORDINANCE as follows: (O-3-2018-008)

BE IT ORDAINED BY THE Township Council of the Township of Monroe, County of Middlesex, New Jersey, the Municipal Code of the Township of Monroe, Middlesex County, New Jersey is hereby amended creating Chapter 68A "Mayor's N.J. Training School Open Space Preservation Task Force" as follows:

A. Creation and Duties.

There shall be created a Mayor's N.J. Training School Open Space Preservation Task Force ("Task Force"). The purpose of the "Task Force" shall be to formulate a long-term plan to ensure the continued preservation of the 663 acres of preserved farmland, wooded forests, flood plains

and wetlands located between Spotswood Englishtown and Spotswood Gravel Hill Roads, currently being utilized by the State as a home, school and secure facility for troubled youth and to ensure that any future use of this undeveloped land continue to be preserved as open space and farmland to benefit the residents of Monroe Township, should the current facility become decommissioned.

B. Membership.

1. The Mayor, who shall serve as the Task Force Chairperson, shall appoint the additional members of the “Task Force” for a term of one year expiring on December 31st of each year. The “Task Force” shall consist of sixteen (16) members, including the Mayor, as follows:
 - a. One (1) representative of the Governor.
 - b. Three (3) representatives of the 14th Legislative District
 - c. Two (2) Official representatives from Middlesex County
 - d. Monroe Township Council President
 - e. Monroe Township Business Administrator
 - f. Monroe Township Director of Planning
 - g. Monroe Township Engineer
 - h. One (1) member from Monroe Township’s Open Space and Farmland Preservation Committee.
 - i. Four (4) members from the general public; one (1) of whom shall be a Board of Education Board member.
2. In addition, the Mayor shall appoint a Vice Chairperson from the appointed members and a Secretary.
3. The Mayor, serving as Chairperson, shall establish a meeting schedule; all meetings shall be open to the public.
4. All members of the Task Force shall each have one equal vote on all policy decisions.

SECTION 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

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

SECTION 4. This Ordinance shall take effect twenty days after final passage, adoption and publication according to law.

No Public Comment.

UPON MOTION made by Council Vice-President Schneider and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **O-3-2018-008 ORDINANCE ESTABLISHING CHAPTER 68A OF THE MONROE TOWNSHIP CODE ENTITLED, “THE MAYOR’S N.J. TRAINING SCHOOL OPEN SPACE PRESERVATION TASK FORCE”**

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-3-2018-008

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Baskin, an Ordinance of which the following is the title was moved on second reading for final passage: **O-3-2018-009 ORDINANCE AMENDING THE 2015-2018 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE.** (Adding – Electrician, per diem)

ORDINANCE as follows: (O-3-2018-009)

BE IT ORDAINED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the 2015 – 2018 Supervisory Personnel Salary and Wage Ordinance shall be amended as follows:

SECTION 1. The following annual salaries, wages and fees shall be paid, effective/retroactive as hereinafter specified:

<u>POSITION</u>	<u>2016 to 2018</u>		<u>SALARY AND WAGE RANGES</u>
Electrician – Per Diem	\$50.00	to	\$85.00 hourly

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.

No Public Comment.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Baskin, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-3-2018-009 ORDINANCE AMENDING THE 2015-2018 SUPERVISORY PERSONNEL SALARY AND WAGE ORDINANCE. (Adding – Electrician, per diem)

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
 O-3-2018-009

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was moved on second reading for final passage:

O-3-2018-010 ORDINANCE AMENDING CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “VEHICLES AND TRAFFIC”.

(No turn on red Perrineville Rd/Union Valley Rd.)

ORDINANCE as follows: (O-3-2018-010)

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

SECTION 1. Section 122-44, Schedule XV of the Code of the Township of Monroe, which Section establishes “*Prohibited turns at Intersections*” within the Township of Monroe shall be amended to include the following:

In accordance with the provisions of § 122-20, no person shall make a turn of the kind designated below at any of the following locations:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Prohibited Turn</u>	<u>At Intersection of</u>
Perrineville Road	Southbound	No turn on red	Union Valley Rd.
Union Valley Road	Eastbound	No turn on red	Perrineville Rd.
Union Valley Road	Westbound	No turn on red	Perrineville Rd.

SECTION 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

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

SECTION 4. This Ordinance shall take effect twenty days after final passage, adoption and publication according to law.

No Public Comment.

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-3-2018-010 ORDINANCE AMENDING CHAPTER 122 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “VEHICLES AND TRAFFIC”.

(No turn on red Perrineville Rd/Union Valley Rd.)

ROLL CALL: Councilman Leonard Baskin	Aye
Councilwoman Miriam Cohen	Aye
Councilman Charles Dipierro	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-3-2018-010

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was moved on second reading for final passage:

O-3-2018-011 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE SPECIFICALLY ARTICLE XIII ENTITLED “GUARANTIES AND IMPROVEMENT PROCEDURES” TO COMPORT WITH RECENT AMENDMENTS TO STATE LAW CONCERNING PERFORMANCE AND OTHER GUARANTEES MUNICIPALITIES MAY REQUIRE FROM DEVELOPERS.

ORDINANCE as follows: (O-3-2018-011)

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* (MLUL), permits municipalities, by ordinance, to require developers to post financial guarantees to ensure that improvements required to be made under a development approval are properly completed; and

WHEREAS, in accordance with the MLUL, Monroe has adopted Article XIII of Chapter 108 of the Code of the Township of Monroe, entitled “Guaranties and Improvement Procedures”; and

WHEREAS, on January 16, 2018, P.L. 2017, Ch. 312 was approved and changes the scope of performance and maintenance guarantees that a municipality may require from developers pursuant to the MLUL; and

WHEREAS, Article XIII of Chapter 108 requires amendment to comport with the new MLUL standards;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey, that the Code of the Township of Monroe, Chapter 108, Article XIII, entitled “Guaranties and Improvement Procedures” shall be repealed in its entirety and replaced as follows:

SECTION 1.

ARTICLE XIII Guarantees and Improvement Procedures

§ 108-13.1. Guarantees required; surety; release.

- A. Before filing of final subdivision plats, or recording of minor subdivision deeds, or as a condition of final site plan approval, or as a condition to the issuance of a zoning permit pursuant N.J.S.A. 40:55D-65, a developer shall furnish the following guarantees for purposes of assuring the installation and maintenance of certain improvements.

(1) Performance guarantee.

(a) A developer shall furnish a performance guarantee in favor of the township in an amount not to exceed 120% of the cost of installation of the following improvements shown on the approved plans or plat required by an approval or developer’s agreement, ordinance, or regulation to be dedicated to the public entity and not yet installed: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor’s monuments as shown on the final map and required by the map filing law, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

(b) A developer shall furnish a performance guarantee in favor of the township in an amount not to exceed 120% of the cost of installation of privately-owned perimeter buffer landscaping within an approved phase or section of a development otherwise required by this Code or imposed as a condition of approval. At a developer's option, a separate performance guarantee may be posted for privately-owned perimeter buffer landscaping.

(c) The Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted. The developer shall provide a preliminary of the quantities and types of bonded improvements, to be reviewed and verified by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, based upon the unit prices established by Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, on an annual basis. The total estimated cost of constructing all improvements shall be based upon the estimated contract construction costs established by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, and appropriate allowances for contract related costs, such as engineering, legal, financial and other usual costs, which shall be estimated to be twenty percent (20%) of the estimated contract construction costs.

(d) The performance guarantee shall be approved by the Township Attorney as to form, sufficiency and execution, and may be in the form of cash, certified check, negotiable securities, bond issued by a bonding company approved by the Township Attorney or any other type of surety acceptable to and approved by the Township Council and in a form acceptable to the Township Attorney.

(e) Such performance guarantee shall run for a period to be fixed by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, but in no case for a term longer than the period of final approval set by N.J.S.A. 40:55D-1 *et seq.* for the installation of all or any portion of the improvements, except that:

(i) The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by resolution of the Township Council, provided that, if required, the period of final approval has been extended by the proper municipal agency, and provided further that:

(ii) Such extension shall not exceed one (1) year.

(iii) There shall not be more than three (3) such extensions; and

(iv) As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to

an amount not to exceed one hundred twenty percent (120%) of the cost of the installation as determined by the Township Engineer in accordance with the itemized cost estimate.

(f) If the bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereupon to the municipality for the reasonable cost of the improvements not completed or corrected, and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements.

(g) (1) Upon substantial completion of all required improvements, including street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the developer may request of the Township Council in writing, by certified mail addressed in care of the municipal clerk, that the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, prepare, in accordance with the itemized cost estimate appended to the performance guarantee, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the developer shall send a copy of the request to the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted.

(2) Thereupon, the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall inspect all bonded improvements covered by the request and shall file a detailed list and report, in writing, with the Township Council, and shall simultaneously send a copy thereof to the developer not later than 45 days after receipt of the request.

(3) The list prepared by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory.

(4) The report prepared by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall identify each bonded improvement determined to be complete and satisfactory together with a

recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate.

(h) The Township Council, by resolution, within 45 days after receipt of the list and report prepared by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall either approve the bonded improvements determined to be complete and satisfactory or reject any or all of them upon the establishment in the resolution of the cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate, provided that, if the sum of the approved bonded improvements would exceed 70% of the total amount of the performance guarantee, the Township will retain 30% of the amount of the total performance guarantee and safety and stabilization guarantee as set forth below to ensure completion and acceptability of the bonded improvements, further provided that any amount of the performance guarantee attributable to bonded improvement for which a temporary certificate of occupancy guarantee has been posted shall be released, even if such release would reduce the amount held by the Township to below 30%.

(i) Upon adoption of the resolution by the Township Council, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved improvements, except for that portion sufficient to secure completion or correction of the improvements not yet approved, provided that 30% of the amount of the total performance guarantee and safety and stabilization guarantee posted as set forth below may be retained to ensure completion and acceptability of all improvements.

(2) Temporary certificate of occupancy guarantee.

(a) A developer seeking a temporary certificate of occupancy for a development, unit, lot, building or phase of development pursuant to section 108-13.8 shall furnish a temporary certificate of occupancy guarantee in favor of, and available to, the township in an amount not to exceed 120% of the cost of installation of those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of a permanent certificate of occupancy for the development, unit, lot, building or phase of development. The Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, shall determine the scope and amount of the temporary certificate of occupancy guarantee.

(b) Upon posting of a temporary certificate of occupancy guarantee, all sums posted under a performance guarantee which relate to the improvements or items which remain to be completed or installed shall be released, so that a developer shall not be required to post more than one guarantee or bond of any type with respect to the same line item.

(c) The temporary certificate of occupancy guarantee shall be released upon the issuance of a permanent certificate or occupancy as to those improvements to which it relates.

(3) Safety and stabilization guarantee.

(a) A developer shall furnish a safety and stabilization guarantee in favor of, and available to, the township for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition where: (1) site disturbance has commenced and thereafter all work on the development has ceased for at least sixty (60) consecutive days for reasons other than force majeure, and (2) after such sixty-day (60) period, work has not recommenced within thirty (30) days following written notice to the developer of the Township's intent to claim payment under the guarantee.

(b) The amount of the safety and stabilization guarantee for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.00. The amount of the safety and stabilization guarantee for a development with bonded improvements in an amount exceeding \$100,000.00 shall be (1) \$5,000.00 for the first \$100,000.00 of bonded improvement costs, plus two and one-half (2½ %) percent of bonded improvement costs in excess of \$100,000.00, plus one (1%) percent of bonded improvement costs in excess of \$1,000,000.00.

(c) At the developer's option, the safety and stabilization guarantee may be a separate guarantee or it may be a line item of the performance guarantee.

(d) The safety and stabilization guarantee shall be released upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this section.

(e) The safety and stabilization guarantee shall be released by resolution of the Township Council upon the Township Engineer's determination that development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(f) The safety and stabilization guarantee shall be reduced by the same percentage as the performance guarantee at the time of each performance guarantee reduction.

(4) Maintenance guarantee.

(a) Prior to the release of a performance guarantee, a developer shall post with the township a maintenance guarantee in favor of the township in an amount not to exceed 15% of the cost of the installation of the improvements for which the performance guarantee is being released.

(b) Upon inspection and issuance of final approval of the following private site improvements by the Township Engineer, a developer shall post with the township a maintenance guarantee in favor of the township in an amount not to exceed 15% of the cost of installation: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any.

(c) The cost of the maintenance guarantees shall be determined by the Township Engineer, and the Director of the Utility Department in the case of water and sewer improvements, according to the method of calculation set forth in subsection A(1)(c).

(d) The term of a maintenance guarantee posted by a developer shall be for a period of two years and shall automatically expire at the end of the two-year term.

(e) Upon release of the maintenance guarantee by the Township Council, the unused inspection fee shall be returned to the developer.

(5) Successor developer guarantee.

As a condition of approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, a successor developer shall furnish replacement performance and maintenance guarantees in accordance with subsection (A)(1) and (4) above.

B. Surety. If a developer posts a bond as guarantee, there must be attached to said bond an authority of the surety company empowering the person or persons who executed said bond for the surety company to do so. If the bonding company is not a licensed New Jersey entity, there should also be attached to the bond proof of its authority to do business in New Jersey and a copy of its last financial statement, made not more than one (1) year before, showing its financial condition. If the principal on the bond is a partnership, corporation, limited liability company or other business entity, there must be attached to the bond a certified copy of a resolution adopted by its Board of Directors, members or partners, as appropriate, authorizing the execution and delivery of said bond. Said bond must also bear the seal of the surety and the principal, of a corporation.

C. Inspection fees; escrows.

(1) The cost of inspections shall be the responsibility of the developer, who shall post in escrow with the township funds to reimburse the township for reasonable inspection fees charged by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, for inspection of the improvements to be installed, in the following amounts:

(a) except in extraordinary circumstances, the greater of \$500 or 5% of the cost of the bonded improvements that are subject to a performance guarantee; and

(b) 5% of the cost of private site improvements that are not subject to a performance guarantee.

(2) The cost shall be determined by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, according to the method of calculation set forth in subsection A(1)(c).

(3) These funds shall be in addition to the amount of required guarantees and all application fees. These funds shall be deposited in a special escrow account and shall not accrue interest.

(4) For developments for which the total improvement inspect fees are less than \$10,000, escrow funds may be deposited in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(5) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees.

(6) If the amount in escrow for the payment of inspection fees is insufficient to cover the cost of additional required inspections, as determined by the Township Engineer, and the Director of the Utility Department in the case of water and sewer improvements, the developer shall deposit additional funds in escrow upon receipt of a written inspection escrow deposit request signed by the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements, which informs the developer of the need for additional funds, details the items or

undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

(7) In the event that final approval is by stages or sections of development pursuant to the N.J.S.A. 40:55D-38, the provisions of this section shall be applied by such stage or section.

§ 108-13.2. Off-tract improvements.

- A. General requirements. Where the municipal agency determines that off-tract improvements are necessary for the proper development and utilizing of the proposed site or subdivision and the surrounding area, it may require either that such off-tract improvements be installed or that the developer contribute to the installation of such off-tract improvements. Where the municipal agency has determined that off-tract improvements are required, it shall be a condition of the granting of final approval that such improvements be constructed or that the developer shall make payments toward the ultimate installation of off-tract improvements, such as, but not limited to, streets, curbs and gutters, sidewalks, water mains, sanitary sewers, storm sewers and culverts, monuments and streetlights, all in accordance with the specifications governing on-tract improvements.
- B. Cost allocation. If the municipal agency determines that the developer may contribute toward required off-tract improvements in lieu of such improvements being installed, the municipal agency shall allocate the cost of same off-tract improvements in accordance with the standards hereinafter set forth. The improvement of a stream and/or widening of, or the construction of drainage or other improvements in, a street or road fronting on the tract to be subdivided and/or developed shall not constitute an off-tract improvement, and the cost of said improvement shall not be allocated.
- (1) The allocation of the cost of off-tract improvements shall be determined in accordance with the following:
 - (a) The municipal agency may consider the total cost of the off-tract improvements, the benefits conferred upon the site or subdivision, the needs created by the site or subdivision, population and land use projects for the general areas of the site or subdivision and other areas to be served by the off-tract improvements, the estimated times of construction of off-tract improvements and the condition of periods of usefulness, which periods may be based upon the criteria of the Local Bond Law (N.J.S.A. 40A.2-22). The municipal agency may further consider the criteria set forth below.
 - (b) Road, curb, gutter and sidewalk improvements may be based upon the anticipated increase of traffic generated by the site or subdivision. In determining such traffic increase, the municipal agency may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the site or subdivision.
 - (c) Drainage facilities may be based upon the percentage relationship between the site or subdivision acreage and the acreage of the total drainage basins involved or upon calculations developing the percentage contribution that the storm runoff from a particular site or subdivision bears to the total design capacity of any improvement; the particular methods to be selected in each instance by the Township Engineer.
 - (2) All monies received by the township in accordance with the provisions of this section shall be paid to the Township Clerk who shall provide for a suitable depository therefor. Such funds shall be used only for the improvements for which they are deposited or improvements serving the same purposes unless such improvements are not initiated for a period of five (5) years from the date of payment, after which time said funds shall be transferred to the capital improvement fund of the municipality.
 - (3) The apportionment of costs shall be determined by the municipal agency. The developer shall be afforded an opportunity before said Board to present evidence relative thereto.

§ 108-13.3. Assignment of interest.

Before any developer effectively assigns any of his interest in any preliminary or final approval, he must notify the Administrative Officer and supply detailed information with regard to the name, address, principals, type of organization, competency, experience and past performance of the assignee, transferee of agent. Notice of such assignments or transfer shall be given no later than ten (10) days after its effective date. The assignee must be made acquainted with all the conditions of approval, and the developer shall so certify.

§ 108-13.4. Supervision of work.

- A. No contractor, builder, developer or subcontractor shall engage any personnel in any of the work on constructing any improvements unless they are continually supervised by a competent, English speaking supervisor acceptable to the Township Engineer, and Director of the Utility Department in the case of water and sewer improvements.
- B. No less than five (5) days prior to commencing construction of any improvements on the site, the developer or his agent shall provide the Township Engineer and the Director of Utility Department in the case of water and sewer improvements with the names, addresses, phone numbers and

emergency phone numbers of the subdivider and/or a representative empowered to act for the developer and/or each contractor and their supervisor in charge of the construction, setting forth the aspect of construction for which each is responsible.

§ 108-13.5. Inspection requirements.

- A. Pre-construction. Prior to beginning construction, the developer shall arrange for a preconstruction conference between the developer, contractors and Township Engineer, and Director of the Utility Department in the case of water and sewer improvements. The Township Engineer, and Director of the Utility Department in the case of water and sewer improvements shall be notified by the developer at least five (5) days in advance of the start of construction.
- B. Inspection notice. All required improvements, except those utility improvements which are not the responsibility of the township, shall be subject to inspection and approval by the Township Engineer, who shall be notified by the developer at least five (5) days prior to the initial start of construction and again twenty-four (24) hours prior to the resumption of work after any idle period exceeding one (1) working day. All of the utility improvements shall be subject to inspection and approval by the Director of the Utility Department, who shall be notified by the developer in accordance with the utilities' requirements.
- C. Modification of improvements. At any time, whether as a result of his or her inspection of work underway or otherwise, the Township Engineer or Director of the Utility Department may recommend that the developer be required to modify the design and extent of the improvements required, notifying the township of his or her recommendations. The Township Council shall, if it considers such modifications to be major, or if requested by the developer or Township Engineer or Director of the Utility Department, take formal action to approve or disapprove such recommendations; provided, however, that it must first afford the developer an opportunity to be heard. If the Township Council takes no formal action within thirty (30) days of such recommendations, or where the developer has not requested formal action, its approval will be assumed. Similarly, the township may grant or deny the developer permission to effect such modification upon his or her application and the Township Engineer's or Director of the Utility Department's approval, as appropriate. In either event, where such modification is to be effected, the appropriate plat must be revised by the developer or his or her engineer to reflect such modification, and sufficient copies thereof submitted to the Administrative Officer (Planning Board or Board of Adjustment Secretary) for distribution.
- D. General inspection requirements. All improvements, except as otherwise provided, shall be subject to inspection and approval by the Township Engineer or Director of the Utility Department, as appropriate. No underground installation shall be covered until inspection and approval by the Township Engineer or Director of the Utility Department. If such installation is covered prior to inspection, it shall be uncovered or another inspection means shall be used, such as a television or other pipeline camera as may be deemed necessary by the Township Engineer or Director of the Utility Department, and charges for such work will be paid for by the developer.
- E. Inspection not acceptance. Inspection of any work by the Township Engineer or Director of the Utility Department or authorized representatives shall not be considered to be final approval or rejection of the work, but shall only be considered to be a determination of whether or not the specific work involved was being done to township specifications or other required standards at the time of inspection. Any damage to such work or other unforeseen circumstances, such as the effects of the weather, other construction, changing conditions, settlement, etc., between the time of installation and the time that the developer wishes to be released from a guarantee, shall be the full responsibility of the developer, and no work shall be considered accepted until release of the guarantee.
- F. Payment to contractors. No developer shall enter into any contract requiring the Township Council, the Township Engineer or any of their agents, employees or other representatives to make any declaration, written or otherwise, as a condition of payment of said developer to a contractor as to the acceptance or rejection of the work. Neither the Township Council, Township Engineer nor any of their agents, employees or representatives shall make any such declaration.
- G. Procedure on acceptance of public improvements. When the developer has constructed and installed the on-site or off-site improvements and other improvements in accordance with township regulations, standards and specifications, and desires the township to accept said improvements, he shall, in writing by certified mail, return receipt requested addressed to the Township Clerk, with copies thereof to the Township Engineer, or Director of the Utility Department in the case of water and sewer improvements, request the Township Engineer or Director of the Utility Department to make a semifinal inspection of said improvements. If the improvements have been constructed under a performance guarantee or are subject to a maintenance guarantee, the developer shall submit an as-built plan showing as-built grades, profiles and sections and locations of all subsurface utilities, such as french drains, combination drains, sanitary sewage disposal systems both public and individual, waterlines and control valves, gas lines, telephone conduits, monuments, iron property markers and any other utility or improvements installed. Said as-built plan shall be certified to by a licensed New Jersey professional engineer. If any improvements are constructed prior to final plat approval, the final plat shall reflect all changes and as-built conditions and be so certified. If any improvements are constructed prior to final plat approval, the final plat shall reflect all changes and as-built conditions and be so certified. Said as-built plan(s) shall be submitted on mylar sheets not exceeding twenty-four inches by thirty-six (24 x 36) inches. The as-built plan(s)

shall be required for any improvements which partially release the performance, safety and stabilization or temporary certificate of occupancy guarantees.

§ 108-13.6. Site maintenance during construction.

- A. It shall be the responsibility of the developer to maintain the entire site or subdivision in a safe and orderly condition during construction. Necessary steps shall be taken by the developer to protect occupants of the site or subdivision and the general public from hazardous and unsightly conditions during the entire construction period. These steps shall include, but are not limited to, the following:
- (1) Open excavations (less than three (3) feet deep) shall be enclosed by fencing or barricades during non-construction hours. Movable barricades shall be equipped with yellow flashing hazard markers or other lighting during the hours of darkness.
 - (2) The excavation of previously installed sidewalk and pavement areas which provide access to occupied buildings in the site or subdivision shall be clearly marked with signs and barricades. Alternate safe access shall be provided for pedestrians and vehicles to the occupied buildings.
 - (3) Materials stored on the site shall be screened from the view of occupants of the subdivision or site and adjoining street and properties.
 - (4) Construction equipment, materials and trucks shall not be stored within one hundred fifty (150) feet of occupied buildings in the site or subdivision and adjoining streets and properties during non-construction hours.
 - (5) Safe vehicular and pedestrian access to occupied buildings in the site or subdivision shall be provided at all times.
 - (6) Construction activities which create obnoxious and unnecessary dust, fumes, odors, smoke, vibrations or glare noticeable in occupied buildings in the subdivision or site and adjoining properties and streets shall not be permitted.
 - (7) Construction activities which will result in damage to trees and landscaping in occupied buildings in the site or subdivision or adjoining properties shall not be permitted. Trees and shrubs to be retained shall be protected at the drop line with erection of protective snow fencing.
 - (8) All locations and activities in the site or subdivision which present potential hazards shall be marked with signs indicating the potential hazard.
 - (9) Unsightly construction debris, including scrap materials, cartons, boxes and wrappings, must be removed daily at the end of each working day. Burial of any debris on site is forbidden.
 - (10) Whenever construction activities take place within or adjacent to any traveled way or, interfere with existing traffic patterns in any manner, suitable warning signs, conforming to the requirements of the Uniform Manual on Traffic Control Devices, will be erected and maintained by the developer.
 - (11) All trench excavation shall conform to all applicable Federal, State or local regulations and any trench excavations in excess of three (3) feet average depth, shall be covered during non-construction hours, and no trenches shall be left uncovered and steel road plates shall be used to cover the trench opening.

§ 108-13.7. Improvements required prior to issuance of certificate of occupancy.

- A. No permanent certificate of occupancy shall be issued for any development, unit, lot, building or phase of development until all required improvements are installed and approved by the Township Engineer or other appropriate authority.
- B. No temporary certificate of occupancy shall be issued for any development, unit, lot, building or phase of development involving the installation of utilities or street improvements, parking areas, buffer areas, storm drainage facilities, other site improvements, the alteration of the existing grade on a lot or the utilization of a new on-site well or sanitary disposal system unless the Township Engineer or other appropriate authority shall have, where applicable, certified to the following:
- (1) Utilities and drainage. All utilities, including but not limited to water, gas, storm drains, sanitary sewers, electric lines and telephone lines, shall have been properly installed and service to development, unit, lot, building or phase of development from such utilities shall be available.
 - (2) Street rights-of-way. All street rights-of-way necessary to provide access to the development, unit, lot, building or phase of development shall have been completely graded, and all slope retaining devices or slope planting shall have been installed.
 - (3) Sidewalks. All sidewalks necessary to provide access to the development, unit, lot, building or phase of development shall have been properly installed.
 - (4) Streets. Curbing and the bituminous base course of bituminous concrete streets or the curbing and pavement course for portland cement concrete streets necessary to provide access to the development, unit, lot, building or phase of development shall have been properly installed.

- (5) Curbing and parking areas. Curbing and the bituminous base course of parking areas necessary to provide access to the required number of parking spaces for the development, unit, lot, building or phase of development shall have been properly installed.
 - (6) Obstructions. All exposed obstructions in parking areas, access drives or streets, such as manhole frames, water boxes, gas boxes and the like, shall be protected by building to the top of such exposures with bituminous concrete as directed by the Township Engineer.
 - (7) Screening, fences and landscaping. All required screening, fencing and/or landscaping related to the development, unit, lot, building or phase of development shall have been properly installed unless the Township Engineer shall direct the developer to delay the planting of screening and landscaping until the next planting season in order to improve the chances of survival of such plantings.
 - (8) Site grading. All site grading necessary to permit proper surface drainage and prevent erosion of soils have been completed in accordance with the soil disturbance plans approved by the Freehold Soil Conservation District.
 - (9) Public water supply. Where the proposed development, unit, lot, building or phase of development is served by a public water supply, said supply shall have been installed and tested and all required backflow detection devices, fire hydrants or fire connections shall have been installed, tested and approved.
 - (10) Lighting. All outdoor lighting shall have been installed and shall be operational.
 - (11) Street signs and traffic control devices. All street signs, paint lining and/or traffic control devices affecting the development, unit, lot, building or phase of development and required under the terms of approval of a subdivision or site plan or by Federal, State, County or municipal rules, regulations or laws shall have been installed.
 - (12) Other. Any other conditions established for issuance of a certificate of occupancy by the municipal agency as a condition of final site plan approval shall be complied with.
- C. Temporary certificates of occupancy shall be issued for a specified period of time, not to exceed one (1) year.

§ 108-13.8. Stormwater management facility(ies) dedications. [Added 4-7-97 by Ord. No. 0-4-97-007; amended 6-8-05 by Ord. No. O-6-2005-026]

- A. All stormwater management facilities "SMF(s)" in any multi-family residential use development shall be owned by a homeowners association or other private owner, which owner shall be designated on the approved subdivision or site plan.
- B. All SMF(s) located within or as part of a single family residential use development shall be dedicated to the Township of Monroe and are subject of the requirements of this chapter.

§ 108-13.9. Maintenance escrows for stormwater management facilities. [Added 4-7-97 by Ord. No. O-4-97-007; amended 6-8-05 by Ord. No. O-6-2005-026]

- A. Maintenance escrows, general. An escrow account shall be required to be posted by a single-family residential use developer who shall have dedicated SMF(s) under Section 108-13.10B. It shall be used for the purpose of reimbursing the township for any and all costs and expenses incurred by the township for the short and long-term care and maintenance of a developer's dedicated SMF(s), including, but not limited to, the maintenance, repair, cleaning and replacement of grass, landscaping, fences and any of the immediate surroundings of a detention/retention basin, and the maintenance, repair and replacement of its drainage structures as defined in this chapter.
- B. Maintenance escrow requirements.
 - (1) The required escrow amount set forth in the contribution schedule hereinbelow shall be deposited with the township prior to the issuance of any certificate(s) of occupancy within a subject development. Prior to the issuance of any certificate(s) of occupancy within a subject development, the Township Engineer shall certify to the Construction Official that the developer has posted with the township an escrow amount in accordance with the contribution schedule. Failure to so deposit the required escrow amount shall prevent the issuance of any certificate(s) of occupancy.
 - (2) A developer shall pay one hundred fifteen percent (115%) of the per lot contribution amount before a certificate of occupancy is issued for the first lot. A subsequent certificate of occupancy for a lot shall issue only upon payment of another one hundred fifteen percent (115%) of the per lot contribution amount. Pursuant to this formula, a developer shall have fully paid its contribution amount. The fixed contribution amount per lot shall be assessed pursuant to the following schedule for the year 2005:

Zone	Contribution per Lot
RR-FLP	\$1,250.00
R-3a	\$1,000.00
R-60	\$ 800.00

R-30	\$ 700.00
R-20	\$ 600.00
R-10	\$ 500.00
R-5	\$ 450.00
Cluster	The underlying zone will be used.
Provisions	

The contribution per lot amount is based on the following: (1) estimated basin requirements for the densities prescribed by the respective zone designation; (2) estimated annual cost of regular maintenance of SMF(s); and (3) determination of necessary total annual reserves based on projected useful life and estimated replacement costs of SMF(s).

Beginning in 2006, and each year thereafter, on the first of January, the contribution per lot shall be adjusted upward or downward by the change in the Cost of Living Index during the previous fiscal year. All escrow payments shall then be made in accordance with the revised contribution schedule. The "Cost of Living Index" means the "Consumer Price Index-All Items" for the New York area, as prepared and reported by the Bureau of Labor Statistics of the United States Department of Labor.

- (3) All escrow funds acquired by the township under this chapter shall be deposited in an interest bearing escrow account and applied in furtherance of the purposes of this chapter.
- C. Final acceptance of SMF(s) by the Township of Monroe. Notwithstanding anything herein to the contrary, a performance guarantee and subsequent maintenance guarantee shall be provided by a developer subject to the requirements under this chapter in accordance with Sections 108-13.1, 108-13.2 and 108-13.9 of the Land Development Ordinance. Before the Township Council shall give final acceptance to SMF(s), the following conditions must be satisfied:
- (1) The Township Engineer shall certify that the SMF(s) has been constructed in accordance with the requirements and specifications of Article XII entitled "Design Standards and Improvement Specifications", and in accordance with any and all conditions established by the Board that has approved the development plan; and
 - (2) The Township Council shall have released the performance and maintenance guarantees pertaining to the subject development before authorizing its final acceptance of the SMF(s).
- D. Responsibility for maintenance.
- (1) All SMF(s) dedicated to the township shall be maintained by the Monroe Township Department of Public Works.
 - (2) The township shall, out of the escrow funds created under this chapter, develop, conduct, implement or carry out any and all actions designed to maintain, clean, repair or replace all dedicated SMF(s). Such actions may include, but are not limited to, the maintenance, cleaning, repair and replacement of the grass, landscaping, fences and the immediate surroundings of a SMF(s), and the maintenance repair and replacement of their drainage structures as defined in this chapter.
 - (3) The Township Engineer shall annually inspect all dedicated SMF(s) and shall review their hydrologic characteristics in order to determine the condition, safety and effectiveness of such SMF(s) and whether such SMF(s) conform to then current technical and industrial standards. The Township Engineer shall prepare a report of such findings to the Township Council and shall make appropriate recommendations to the Director of Public Works designating which dedicated SMF(s) required special maintenance, cleaning, repair or replacement.
- E. Use of maintenance escrow accounts.
- (1) The funds of a developer's maintenance escrow account shall be applied to any and all costs and expenses incurred by the township for the maintenance, cleaning, repair and replacement of that developer's dedicated SMF(s). Any and all costs and expenses incurred by the township for such maintenance, cleaning, repair and replacement of that developer's dedicated SMF(s) shall be charged against its escrow account in accordance with the following categories of maintenance:
 - (a) Maintenance of landscaping, fences and immediate surroundings. This cost shall be calculated by multiplying the rate per hour of labor and equipment by the number of hours worked. Any and all additional stock which shall be necessary to replace or repair landscaping, fences or a SMF(s) immediate surroundings shall also be charged against the escrow account.
 - (b) Routine mowing of the property. Mowing costs shall be calculated by multiplying the rate per hour of labor and equipment by the number of acres mowed. A base number shall also be included for the mobilization and maintenance of equipment.
 - (c) Long-term maintenance, repair and replacement SMF structures. The annualized long-term maintenance/replacement cost shall be based on replacement of all SMF structures, reduced to a total annualized cost using one (1) fifteen (15) year life span. Examples of drainage structures which shall be included as part of this cost are low flow channels, outlet structures, inlets, rip-rap aprons, impervious cores and/or liners, and weirs and/or spillways.

- (2) The township shall use the funds of a developer's maintenance escrow account to purchase liability insurance for that developer's dedicated SMF(s).

SECTION 2.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 3.

If any section, subdivision, sentence, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply 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.

Public Hearing:

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman asked for a brief summary of the changes; Council President Dalina and Administrator Weinberg answered that when the Governor left office he signed a bill, wherein in the past we were able to hold performance bonds and maintenance bonds from developers. The new bill allows us to only have bonds on property that will one day be owned by the Township. Engineer Rasimowicz commented that bonding is still permitted for public improvements. One example would be a private commercial site which would not be bonded. Another example would be a private community under HOA. Landscaping buffers would be bonded. Mr. Gunkelman asked if the administration is happy with this new bill and will be fighting the implementation of it; Council President Dalina responded that we have protected our community as much as we could under the law.

Hy Grossman, 15 Doral Dr. – Mr. Grossman commented that we should not put this all on the Governor, if the legislators did not pass this bill he would not have anything to sign. Councilman Dipierro asked how does this effect the clubhouses in the adult communities; Engineer Rasimowicz answered that clubhouses are not bonded to begin with as it falls under a building permit. The bonding under this Ordinance is primarily site improvements.

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-3-2018-011 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE SPECIFICALLY ARTICLE XIII ENTITLED “GUARANTIES AND IMPROVEMENT PROCEDURES” TO COMPORT WITH RECENT AMENDMENTS TO STATE LAW CONCERNING PERFORMANCE AND OTHER GUARANTEES MUNICIPALITIES MAY REQUIRE FROM DEVELOPERS.

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-3-2018-011

UPON MOTION made by Councilman Baskin and seconded by Councilman Dipierro, an Ordinance of which the following is the title was introduced on first reading for Final Passage:

O-4-2018-012 ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF MONROE, ENTITLED “CONSTRUCTION CODES, UNIFORM” TO EXEMPT IMPROVEMENTS MADE ON PUBLIC PROPERTY FROM FEES.

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-4-2018-012

UPON MOTION made by Council Vice-President Schneider and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was introduced on first reading for Final Passage: **O-4-2018-013 ORDINANCE ACCEPTING DEEDS FOR THE PUMP STATION SITE NO. 13 AT REGENCY AT MONROE.**

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-4-2018-013

UPON MOTION made by Councilman Baskin and seconded by Council Vice-President Schneider, an Ordinance of which the following is the title was introduced on first reading for Final Passage: **O-4-2018-014 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT" REGARDING MULCH PROCESSING.**

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Abstain
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-4-2018-014

UPON MOTION made by Councilman Baskin and seconded by Councilwoman Cohen, an Ordinance of which the following is the title was introduced on first reading for Final Passage: **O-4-2018-015 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

ROLL CALL:	Councilman Leonard Baskin	Aye
	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Copy of Ordinance Duly Filed.
O-4-2018-015

RESOLUTIONS for CONSIDERATION under the CONSENT AGENDA:

Councilman Dipierro questioned R-4-2018-125 about the award of a contract for water and sewer service repair, asking if this is going to be done on private property; Mike Barnes explained this is a maintenance plan from a private company that will service the water and sewer lines if you choose to sign up. Mayor Tamburro explained this came up about a year ago because of the swamp water trees causing an issue to the lines, he added that AARP offers a similar service but it has limitations, therefore, we went out to bid. Council Vice-President Schneider mentioned that living in Rossmoor we would not be able to participate because we do not own the land; Mike Barnes added that Clearbrook would be exempt from participating as well due to the same reason.

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

R-4-2018-110 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE POSTING AND ACCEPTANCE OF MAINTENANCE GUARANTEES FOR BLOCK 169.22, LOTS 2.01-2.04, RIVER ROAD ESTATES – W & S POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (River Rd.)

WHEREAS, Yiannis River Road, LLC has posted a Performance Guarantee with the Monroe Township Utility Department ("M.T.U.D.") for W&S 1021, River Road Estates; and

WHEREAS, Yiannis River Road, LLC has requested the release of the Performance Guarantee upon posting and acceptance of a Maintenance Guarantee; and

WHEREAS, as defined in N.J.S.A. 40:55Dd-53 et seq., the M.T.U.D. has inspected the work performed and the work to be completed and has recommended the Township Council approve the release of the performance guarantee as detailed in a letter dated March 9, 2018, a copy of which is attached hereto as Exhibit "A" and as shown herein below:

Reduced Letter of Credit in the amount of \$3,240.00 to be released and replaced with a maintenance guarantee in the amount of \$1,620.00. (15% of original bond).

Cash Performance Guarantee in the amount of \$360.00 to be returned in full to the developer.

WHEREAS, the Monroe Township Council has reviewed and hereby approves the recommendations of the M.T.U.D. Director;

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 Performance Guarantees posted for Block 169.2, lots 2.01-2.04, Yiannis River Road LLC, be released upon establishment of maintenance guarantees as reflected above and in the M.T.U.D. letter annexed hereto. Release of the Performance Guarantee and acceptance of Maintenance Guarantee is conditioned upon the posting of a Maintenance Guarantee and the payment of any outstanding balances attached to the project escrow accounts; and

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

SO RESOLVED, as aforesaid.

**R-4-2018-111 RESOLUTION AUTHORIZING THE RELEASE OF
PERFORMANCE GUARANTEES FOR W & S 1021, YIANNIS
RIVER ROAD, LLC. POSTED WITH THE MONROE TOWNSHIP
UTILITY DEPARTMENT ("M.T.U.D."). (River Rd.)**

WHEREAS, Yiannis River Road, LLC has posted a performance guarantee for irrigation wells with the Monroe Township Utility Department ("MTUD"); and

WHEREAS, as defined in N.J.S.A. 40:55D-53 et seq., the M.T.U.D. has inspected the work performed and the work to be completed and has recommended the Monroe Township Council approve the request for release of the guarantee, as detailed in a letter dated 3/9/18, a copy of which is attached hereto as Exhibit "A"; and

Reduced Performance Bond #FP0014329 in the amount of \$20,000.00 to be released in full to the developer, as irrigation wells have been completed.

WHEREAS, the Monroe Township Council has reviewed and hereby approves the recommendation of the MTUD Director;

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 Guarantee posted for Yiannis River Road, LLC be released as reflected above and within the letter annexed hereto. This approval for release guarantee is conditioned upon the resolution of any outstanding balances attached to the project escrow accounts; and

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

SO RESOLVED, as aforesaid.

**R-4-2018-112 RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND
AMENDMENT TO A DEVELOPERS AGREEMENT BY AND
BETWEEN MONROE 33 DEVELOPERS, LLC. AND THE
TOWNSHIP OF MONROE FOR IMPROVEMENTS TO THE
MONROE TOWNSHIP UTILITY DEPARTMENT'S PUMP
STATION NO. 2. (Butcher Rd.)**

WHEREAS, The Township Council of the Township of Monroe authorized the execution of a Developer's Agreement with Monroe 33 Developers, L.L.C. ("Monroe 33") pursuant to Resolution No. R-12-2016-421 (the "Developer's Agreement") for improvements to the Monroe Township Utility Department's ("MTUD") Pump Station No. 2; and

WHEREAS, the Township Council of the Township of Monroe authorized the execution of an Amendment to the Developer's Agreement with Monroe 33 pursuant to Resolution No. R-9-2017-230 ("First Amendment"); and

WHEREAS, the Developer's Agreement, as amended, contemplates the possibility of other parties sharing the costs of the improvements to Pump Station No. 2; and

WHEREAS, Monroe 33 has indicated that it expects another developer to purchase and construct a portion of its project and, therefore, has requested that the Township execute a Second Amendment to the Developer's Agreement; and

WHEREAS, The Director of the MTUD has recommended that the Township enter into the Second Amendment to the Developer's Agreement attached and made a part hereof as Exhibit "A" (the "Second Amendment"); and

WHEREAS, The Township Attorney has reviewed and approved the attached Second Amendment; and

WHEREAS, Execution of the attached Second Amendment, is in the best interests of the Township of Monroe;

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 Mayor and Township Clerk be and are hereby authorized to execute the Second Amendment, attached hereto and made a part hereof.

SO RESOLVED, as aforesaid.

R-4-2018-113

RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") TO PREPARE SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES FOR 2018. (System Repair Services, Patch Paving and Concrete, Well Repair & Maintenance Services, Ion Exchange System Repair & Maintenance Services and Skid Mounted Valve Maintenance System.)

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 for 2018:

1. **System Repair Services**
2. **Patch Paving and Concrete**
3. **Well Repair & Maintenance Services**
4. **Ion Exchange System Repair & Maintenance Services**
5. **Skid Mounted Valve Maintenance System**

; 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-4-2018-114

RESOLUTION AUTHORIZING A CONTRACT WITH TRI-STATE LIGHT AND ENERGY INC. FOR AN AUDIT FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT UNDER THE 70/30 DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES.

WHEREAS, pursuant to Resolution R-10-2010-311 dated October 4, 2010, the Township entered into an agreement with Steven Winters Associates to perform an energy audit of the Monroe Township Utilities Department Building under a grant from the Board of Public Utilities (hereinafter referred to as "the BPU") Local Government Energy Audit Program; and

WHEREAS in its final energy audit report issued March 31, 2011 Steven Winters Associates determined that the Monroe Township Utilities Department Building meets the criteria to qualify for the Direct Install Program (hereinafter called “the Program”) which provides energy efficiency grants which target small facilities with a peak demand of less than 250kw and provides up to 70% for the cost of eligible upgrades including HVAC, lighting, etc. with a cap of \$125,000.00 for each project; and

WHEREAS, the Program operates through participating contractors designated by the BPU who perform program services including the initial energy assessment to identify equipment to be replaced, arranging for program approval of the chosen improvements, and performing the actual equipment replacement pursuant to established and set pricing for all participating contractors; and

WHEREAS, the Division of Local Government Services, New Jersey Department of Community Affairs, approved the bidding and contractor selection process used by the BPU to select Program participating contractors met the requirements of the Local Public Contracts Law; and

WHEREAS, pursuant to BPU guidelines, only contractors certified to perform services under the Program are allowed to perform said work;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Monroe that the Mayor and Township Clerk are authorized to execute a contract with the BPU approved vendor for Middlesex County, Tri-State Light & Energy, 855 Sussex Boulevard, Broomall, Pennsylvania 19008 to conduct a study of the Monroe Township Utilities Department Building energy use and install energy efficient improvements under the 70/30 Direct Install Program subject to the approval of the Township Council by resolution and appropriation of funds for said project.

SO RESOLVED, as aforesaid.

**R-4-2018-115 RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO
SUBURBAN CONSULTING ENGINEERS, INC. FOR
ENGINEERING SERVICES FOR THE MONMOUTH ROAD
WATER MAIN REPLACEMENT PROJECT FOR THE MONROE
TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$72,500)**

WHEREAS, the Monroe Township Utility Department (M.T.U.D.) seeks additional Professional Sewer Engineering Services in relation to Monmouth Road Water Main Replacement Project; and

WHEREAS, on December 5, 2017 at 10:30 AM, 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 by the Township Business Administrator for calendar Year 2018; and

WHEREAS, after review of all the Statement of Qualifications by the review committee, Suburban Consulting Engineers, Inc. was determined to be qualified to perform said services; and

WHEREAS, Suburban Consulting Engineers, Inc. has provided a proposal for engineering work required tasks consisting of existing conditions, engineering design and permitting services, NJ I-Bank funding coordination, pre-bid tasks & post bid review, and as-built drawings dated March 19, 2018, in the total amount seventy two thousand five hundred dollars (\$72,500.00), a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Utility Department Director by copy of a letter dated March 23, 2018, recommends the Council approve and award the contract to Suburban Consulting Engineers, Inc., 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-180012 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 enter into a contract with Suburban Consulting Engineers, Inc., for Professional Sewer Engineering Services, in accordance with the proposal attached hereto as Exhibit “B”;

(2) The Township Chief Finance Officer is hereby authorized and directed to pay invoices for services rendered by Suburban Consulting Engineers, Inc. in accordance with the attached proposal;

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

SO RESOLVED, as aforesaid.

R-4-2018-116 RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICES CONTRACT TO R3M ENGINEERING, INC. FOR GENERAL ENGINEERING SERVICES IN RELATION TO MONROE PARKE PS#16, ASHMALL PS#7 AND MISC. AS-NEEDED SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$81,840)

WHEREAS, the Monroe Township Utility Department (M.T.U.D.) seeks Professional Engineering Services in relation Monroe Park Pump Station No. 16, Pump Station 7 and Misc. as-needed Services; and

WHEREAS, on December 5, 2017 at 10:30 AM, 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 by the Township Business Administrator for calendar Year 2018; and

WHEREAS, after review of all the Statement of Qualifications by the review committee, R3M Engineering, Inc. was determined to be qualified to perform said services; and

WHEREAS, R3M Engineering, Inc has submitted a proposal dated February 21, 2018 in the amount not to exceed \$81,840.00, to perform the required tasks outlined in the proposal; and

WHEREAS, pursuant to N.J.A.C. 5:30-55, the Chief Financial Officer has certified the availability of funds in Certificate No. M-180013 a copy of which is attached hereto as Exhibit "A";

WHEREAS, the it is the Monroe Township Utility Department Director’s recommendation that R3M Engineering, Inc. be awarded a contract based on their proposal, a copy of which is attached as Exhibit “B”; 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 enter into a contract with R3M Engineering, Inc. for Professional Engineering Services, in accordance with the proposal;

- (2) The Chief Finance Officer is hereby authorized and directed to pay invoices for services rendered by R3M Engineering, Inc. 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) A notice of this action shall be printed once in the Home News Tribune.

SO RESOLVED, as aforesaid.

R-4-2018-117 RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEE. (\$37.00)

WHEREAS, the Construction Official, by copy of a letters dated March 9, 2018, copy of which is attached hereto as Exhibit “A”, has recommended the Council approve the following construction permit refund:

<u>Refund to:</u>	<u>Reason</u>	<u>Amount</u>
H & W Plumbing 2c Spaulding Drive Monroe Twp., N.J. 08831	Permit # 20180329 Request to void permit/ Contractor submitted application twice for 7 Norham Drive	\$ 37.00

WHEREAS, Council has reviewed the recommendation of the Construction Official and finds the request for the above refunds to be reasonable;

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 request is hereby authorized and that a refund be made to **H & W Plumbing in the amount of \$37.00.**

SO RESOLVED, as aforesaid.

R-4-2018-118 RESOLUTION AUTHORIZING THE AWARD OF BID TO PABCO INDUSTRIES, LLC. FOR PURCHASE OF GRASS BAGS FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.
(\$.3716 per unit)

WHEREAS, on February 27, 2018 one (1) sealed bid was received by Monroe Township regarding the purchase of Grass Bags for the Department of Public Works; and

WHEREAS, the Monroe Township Business Administrator recommends, by copy of letter dated February 27, 2018, a copy of which is attached hereto, that the Grass Bag contract be awarded to **Pabco Industries, LLC**, 166 Frelinghuysen Avenue, Newark, NJ, at the unit pricing of \$.3716 per bag, as provided by the bidder, and as shown on the attached schedule of rates; and

WHEREAS, the Township Council has reviewed the recommendation made by the Business Administrator regarding said bid and finds same to be reasonable; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No C-1800028, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, no contract that is subject to the requirements of the Affirmative Action Regulations pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. shall be awarded by the Township of Monroe, nor shall any monies be paid there under, to any contractor, subcontractor of 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 plan 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 that it has rendered its advice and hereby consents to the award of a two (2) year contract, *nunc pro tunc*, for the Department of Public Works Grass Bags, at the unit pricing provided by the bidder, said contract expiring December 31, 2019, with the provision authorizing the Business Administrator to extend for a period of one additional year with the consent of the bidder; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **Pabco Industries, LLC**. at a cost not to exceed \$.3716 per unit.; and

BE IT FURTHER RESOLVED that the Certified Municipal Finance Officer is hereby authorized and directed to pay **Pabco Industries, LLC**. in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that **Pabco Industries** shall comply with Affirmative Action Regulations, including revising their contracts as necessary to add mandatory affirmative action language, and submitting either a letter of federal approval or a certificate of employee information report, or a completed form AA302 at the time the signed contracts are returned to the Township of Monroe, or seven (7) days thereafter, or risk being declared non-responsive and forfeiting the award.

R-4-2018-119 RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEE POSTED FOR PUSHTEL CONSTRUCTION INC. PB-1162-15. (River Rd.)

WHEREAS, Pushtel Construction Inc. has posted Performance Guarantees in the amount of \$576,055.39 for project PB-1162-15; and

WHEREAS, a request for a reduction in Performance Guarantees has been received; 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 Guarantee, as detailed in his letter dated February 28, 2018, a copy of which is attached hereto as Exhibit A:

	<u>Bond Portion</u>	<u>Cash Portion</u>
	All Cash posted	
Current	\$518,449.85	\$57,605.54
Reduce to	\$290,952.22	\$32,328.02

; 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 Pushtel Construction Inc. PB-1162-15 be reduced, as reflected in the Township Engineer's letter annexed hereto. This approval for reduction of Performance Guarantee is conditioned upon 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-4-2018-120 RESOLUTION AUTHORIZING THIRD PARTY TAX LIEN
PREMIUM PAYMENTS.**

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 One hundred seventy-one thousand five hundred dollars and no cents (\$171,500.00),

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-4-2018-121 RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL
FEES TO SHAIN SCHAFFER, P.C. TO REPRESENT THE
TOWNSHIP IN ACQUIRING REAL PROPERTY DESIGNATED AS
BLOCK 25, LOT 14.1 AND 16 ON THE OFFICIAL TAX MAP OF
THE TOWNSHIP OF MONROE. (\$15,000)**

WHEREAS, the Township Council of the Township of Monroe ("Township") has determined that it is in the public interest to acquire real property designated as Block 25, Lots 14.1 and 16, on the official tax map of the Township of Monroe, also known as 254 Applegarth Road (the "Property"); and

WHEREAS, Shain Schaffer PC possesses the expertise necessary to represent the Township in its efforts to acquire the Property by purchase or, if necessary, through condemnation proceedings; and

WHEREAS, the Township Council has determined that it would be appropriate to authorize Shain Schaffer PC to take any and all legal action reasonable and necessary to acquire the Property; and

WHEREAS, the Township Council, by Resolution No. R-1-2018-041 acknowledged the status of "extraordinary litigation" and provided its advice and consent to the legal services of Shain Schaffer, P.C. pending further authorization from the Township Council; and

WHEREAS, Shain Schaffer, P.C. has incurred legal fees in excess of the budgeted amount and has requested authorization for an additional \$15,000.; and

WHEREAS, the council has reviewed the request and believes that an additional authorization in the amount of \$15,000. to acquire Block 25, Lot 14.1 and 16, 254 Applegarth Road, is reasonable at this time.

WHEREAS, the Township's Certified Municipal Finance Officer has determined that sufficient funds are available in the Township budget, as evidenced by Certificate No. **C-1800011**, a copy of which is annexed hereto as Exhibit "A"; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey, it has hereby rendered its advice and authorizes Shain Schaffer be paid additional fees for legal services rendered in connection with the acquisition of 254 Applegarth Road in the amount of \$15,000.

SO RESOLVED, as aforesaid.

**R-4-2018-122 RESOLUTION AUTHORIZING SHAIN SCHAFFER, P.C. TO
HANDLE THE MATTER OF AFTEL v. TOWNSHIP OF MONROE
AS EXTRAORDINARY LITIGATION. (\$6,102.00 Final)**

WHEREAS, the Mayor of the Township of Monroe has requested that Shain Schaffer, PC defend the Township's interest in a claim filed in the Superior Court of New Jersey, Middlesex County, Docket No. MID-L-001356-18, entitled Laura Aftel Individually and on Behalf of J.A., a Minor v. Township of Monroe, Mary Lange and Joseph Vena et al., as extraordinary litigation; and

WHEREAS, Shain Schaffer, PC possesses the expertise necessary to handle this litigation for the Township; and

WHEREAS, acknowledgment of the status of "extraordinary litigation" requires the advice and consent of the Township Council; and

WHEREAS, the Mayor of the Township of Monroe has requested that Shain Schaffer, PC handle the matter of Laura Aftel Individually and on Behalf of J.A., a Minor v. Township of Monroe, Mary Lange and Joseph Vena et al., as extraordinary litigation, *nunc pro tunc*; and

WHEREAS, the advice and consent of the Township Council is required to handle this matter as extraordinary litigation *nunc pro tunc*; and

WHEREAS, Shain Schaffer PC will render legal services at a cost not to exceed \$6,102.00 with respect to the above matter; and

WHEREAS, the Township Treasurer has determined that sufficient funds are available in the Township budget in the amount of **\$6,102.00**, to handle this matter as extraordinary litigation as evidenced by the Treasurer's Certification No. **C-1800029**, a copy of which is annexed 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, that it has rendered its advice and hereby consents to Shain Schaffer PC handling the matter of Laura Aftel Individually and on Behalf of J.A., a Minor v. Township of Monroe, Mary Lange and Joseph Vena et al., as extraordinary litigation, for which legal services may be provided in a final amount of \$6,102.00.

SO RESOLVED, as aforesaid, *nunc pro tunc*.

**R-4-2018-123 RESOLUTION AUTHORIZING EMERGENCY 2018
TEMPORARY BUDGET APPROPRIATIONS.**

WHEREAS, an emergent condition has arisen with respect to payment of normal operating expenses and no adequate provision has been made in the 2018 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary Resolutions adopted in Year 2018, pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20), including this Resolution, is **\$18,828,037.00;**

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for payment of the following entitled operating expenses:

ACCOUNT NAME

**TEMPORARY
APPROPRIATION
AMOUNT**

**GENERAL
GOVERNMENT:**

Mayor

Salaries & Wages	\$	5,000.00
Other Expenses	\$	3,000.00

Council

Salaries & Wages	\$	9,000.00
Other Expenses	\$	4,800.00

Township Clerk

Salaries & Wages	\$	100,000.00
Other Expenses	\$	20,000.00

Elections

Salaries & Wages	\$	4,500.00
Other Expenses	\$	6,000.00

ADMINISTRATION AND FINANCE:

Administration

Salaries & Wages	\$	105,000.00
Other Expenses	\$	20,000.00

Human Resources

Salaries & Wages	\$	40,000.00
Other Expenses	\$	20,000.00

Transportation

Salaries & Wages	\$	130,000.00
Other Expenses	\$	30,000.00

Citizens Review Board

Salaries & Wages	\$	500.00
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Insurance

General Liability	\$	240,000.00
Workers Compensation	\$	134,000.00
Group Health	\$	2,425,000.00
Group Health-Broker	\$	40,000.00
Health Waiver	\$	40,000.00

Public Information and Public Advocate

Salaries & Wages	\$	25,000.00
Other Expenses	\$	15,000.00

Recreation

Salaries & Wages	\$	240,000.00
Other Expenses	\$	65,000.00

Human Relations

Salaries & Wages	\$	1,200.00
Other Expenses	\$	500.00

Parks

Salaries & Wages	\$	60,000.00
Other Expenses	\$	15,000.00

Finance

Salaries & Wages	\$	130,000.00
Annual Audit	\$	39,000.00
Data Processing	\$	20,000.00
Other Expenses	\$	6,000.00

Tax Collector
Salaries & Wages \$ 85,000.00
Tax Sale Cost \$ 500.00
Other Expenses \$ 7,000.00

Tax Assessor
Salaries & Wages \$ 110,000.00
Other Expenses \$ 5,000.00

Ambulance Service
Salaries & Wages \$ 420,000.00
Other Expenses \$ 15,000.00

Police Department
Salaries & Wages \$ 2,300,000.00
Other Expenses \$ 150,000.00

Police Department-911
Salaries & Wages \$ 240,000.00
Other Expenses \$ 5,000.00

Emergency Mgt.
Salaries & Wages \$ 25,000.00
Other Expenses \$ 7,000.00

DEPARTMENT OF ENGINEERING:

Township Engineer
Salaries & Wages \$ 20,000.00

DEPARTMENT OF PUBLIC WORKS:

Streets and Roads
Salaries & Wages \$ 500,000.00
Other Expenses \$ 100,000.00

Vehicle Maintenance
Salaries & Wages \$ 65,000.00
Other Expenses \$ 120,000.00

Solid Waste and Recycling
Other Expenses \$ 8,000.00

Landfill
Other Expenses \$ 55,000.00

Building and Grounds
Salaries & Wages \$ 125,000.00
Other Expenses \$ 100,000.00

Community Services Act
Other Expenses \$ 210,000.00

DEPARTMENT OF LAW:

Department of Law:
Salaries & Wages \$ 10,000.00
Other Expenses \$ 100,000.00

Municipal Prosecutor
Salaries & Wages \$ 17,000.00

Other Expenses \$ 100.00

DEPARTMENT OF HEALTH AND WELFARE:

Division of Health Contr.

Other Expenses \$ 1,000.00

Animal Control

Salaries & Wages \$ 45,000.00

Other Expenses \$ 5,000.00

OTHER TOWNSHIP AGENCIES:

Zoning Board

Salaries & Wages \$ 30,000.00

Other Expenses \$ 10,000.00

Planning Board

Salaries & Wages \$ 2,800.00

Other Expenses \$ 40,000.00

Division of Planning

Salaries & Wages \$ 90,000.00

Other Expenses \$ 9,000.00

Open Space and Farmland Preservation Commission

Salaries & Wages \$ 1,200.00

Other Expenses \$ 200.00

Shade Tree Commission

Salaries & Wages \$ 6,000.00

Other Expenses \$ 20,000.00

Environmental Commission

Salaries & Wages \$ 1,200.00

Other Expenses \$ 1,400.00

Cultural Arts Commission

Salaries & Wages \$ 7,000.00

Other Expenses \$ 20,000.00

Historic Pres. Commission

Salaries & Wages \$ 1,200.00

Other Expenses \$ 3,000.00

Senior Services

Salaries & Wages \$ 165,000.00

Other Expenses \$ 12,000.00

Division of Environmental Protection

Salaries & Wages \$ 10,000.00

Other Expenses \$ 500.00

Recreation Advisory Board

Salaries & Wages \$ 1,200.00

Other Expenses \$ 1,200.00

Construction Official

Salaries & Wages \$ 290,000.00

Other Expenses \$ 11,000.00

OTHER TOWNSHIP AGENCIES:

Extended Sick Leave Fund

Salaries & Wages \$ 500.00

Celeb. Pub. Event \$ 10,000.00

Utilities \$ 450,000.00

Central Mailing Equipment \$ 10,000.00

Unemployment Compensation \$ 10,000.00

Defined Contribution Retirement Plan \$ 6,000.00

Social Security System \$ 415,000.00

Storm water Management

Salaries & Wages \$ 55,000.00

Other Expenses \$ 20,000.00

Municipal Court

Salaries & Wages \$ 100,000.00

Other Expenses \$ 4,000.00

Recycling Tax \$ 1,500.00

Public Defender

Salaries & Wages \$ 8,000.00

Shared Services - Recycling \$ 90,000.00

911

Salaries & Wages \$ 45,000.00

Other Expenses \$ 12,000.00

Shared Services - Fire Dist. & Bd.

Other Expenses \$ 10,000.00

Library \$ 900,000.00

Ambulance Service

Salaries & Wages \$ 200,000.00

Other Expenses \$ 200,000.00

Clinical Co-Ord Training-Salaries and Wages \$ 6,500.00

Clinical Co-Ord Training-Other Expenses \$ 4,000.00

PERS

Other Expenses \$ 1,700,000.00

PFRS

\$

Other Expenses 1,741,037.00

Subtotal \$ 15,576,537.00

Water-Sewer Operations

Salaries & Wages \$ 900,000.00
 Other Expenses \$ 1,500,000.00

PERS

Other Expenses \$ 340,000.00

Subtotal \$ 2,740,000.00

TOTAL BUDGET \$ 18,316,537.00

2. That said emergency temporary appropriations will be provided for in the 2018 Calendar Year Budget; and
3. That one (1) certified copy of this resolution be filed with the Director of the Division of Government Services.

SO RESOLVED as aforesaid.

R-4-2018-124 RESOLUTION PROVIDING THAT THE 2018 MUNICIPAL BUDGET BE READ BY TITLE AT THE TIME OF THE PUBLIC HEARING.

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by “Title Only” at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full governing body, providing that at least one (1) week prior to the date of Hearing, a complete copy of the approved budget, as advertised, has been posted in the Municipal Building and copies have been made available by the Township Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the 2018 Municipal Budget shall be read by “Title Only” at the Public Hearing scheduled for **May 5, 2018**.

SO RESOLVED, as aforesaid.

R-4-2018-125 RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR WATER AND SEWER SERVICE REPAIR PLANS FOR MONROE TOWNSHIP RESIDENTIAL PROPERTY OWNERS.

WHEREAS, Resolution R-6-2017-166 authorized the Monroe Township Utility Department (“M.T.U.D.”) to accept bids from private home warranty service plan companies to offer discount service plans to M.T.U.D. residential customers for water and sewer lateral repairs, which are the homeowner’s responsibility; and

WHEREAS, on March 23, 2018 two (2) sealed bids were received by the M.T.U.D. for the bid titled, “Water and Sanitary Sewer Service Repair Plans for Monroe Township Residential Property Owners”; and

WHEREAS, the M.T.U.D. Purchasing Agent, after consultation with the Director, recommends by copy of letter dated March 28, 2018, that a three (3) year contract be awarded to the low bidder **American Water Resources, LLC.**, located at 330 Fellowship Rd. Mt. Laurel, NJ, 08054 according to their bid shown below, a copy of which is attached hereto as Exhibit “A”,

REPAIR PLAN	YEAR 1	YEAR 2	YEAR 3	AVERAGE
WATER LINE PLAN	\$ 1.99	\$ 1.99	\$ 2.99	\$ 2.32
SEWER LINE PLAN	\$ 3.99	\$ 3.99	\$ 5.99	\$ 4.66
COMBO W/S LINE PLAN	\$ 4.98	\$ 4.98	\$ 7.98	\$ 5.98
TOTAL:				\$ 12.96

REPAIR PLAN	YEAR 4	YEAR 5
WATER LINE PLAN	\$ 2.99	\$ 2.99
SEWER LINE PLAN	\$ 3.99	\$ 3.99
COMBO W/S LINE PLAN	\$ 4.98	\$ 4.98

;and

WHEREAS, the Township Council has reviewed the recommendation made by the Purchasing Agent regarding said bid and finds same to be reasonable, in the best interest of the public and at no cost to the Township; 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 enter into a three (3) year a contract with **American Water Resources, LLC.** in accordance with the unit pricing provided in their bid;

SO RESOLVED as aforesaid.

R-4-2018-126 RESOLUTION INTRODUCING THE 2018 MUNICIPAL BUDGET.

Section 1.

Municipal Budget of the TOWNSHIP of MONROE, County of MIDDLESEX for Fiscal Year 2018.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2018;

BE IT FURTHER RESOLVED that said Budget be published in the **HOME NEWS TRIBUNE** in the issue of **APRIL 24, 2018.**

The Governing Body of the **TOWNSHIP** of **MONROE** does hereby approve the following as the Budget for the Year 2018;

ROLL CALL: Councilman Leonard Baskin	Aye
Councilwoman Miriam Cohen	Aye
Councilman Charles Dipierro	Aye
Council Vice-President Elizabeth Schneider	Aye
Council President Stephen Dalina	Aye

Copy of Resolutions Duly Filed.

REPORTS:

Mayor’s Report – Mayor Tamburro spoke about the memorial being held at the middle school for the Henry Riklis Foundation’s Holocaust Remembrance Day entitled, We Are All Jews.

A letter was written to Governor Murphy requesting a meeting regarding the the fight for fair funding for our schools. The governor has agreed to designate someone to move this forward. He proclaimed that he will not stop until fair funding is received.

Mayor Tamburro read into the record the budget statement as required under the Faulkner Act: “In fulfillment of the requirements of the Faulkner Act, I am submitting the 2018 Municipal Budget recommendations. For the ninth consecutive year, municipal aid remains flat with no increase from the State of New Jersey. The New Jersey Homestead Rebates are expected to continue at their significantly reduced level. Despite those challenges, our tax collection rate was almost 99% in 2017. With careful planning over the past several years the Township has been upgraded by Standard and Poor’s to AA+ bond rating, which shows our fiscal health and demonstrates stable and consistent budgeting. This is not an easy task and required careful stewardship of your tax dollars. I want to specifically thank the Township Council, the Business Administrator and our longtime Chief Financial Officer and his staff, who have helped us achieve this rating. This rating benefits our residents in lower interest rates. Monroe Township, like many other municipalities, faces several unplanned expenses and continued flat municipal aid from the State. At its core, government is about working together for the public good and nothing is

more important than protecting and serving our residents. As such, our greatest unplanned expense in 2018 is Public Safety. As many of you know, the increase in school shootings has reached an alarming level. At the request of our parents and the entire community, the Council and I took action in February with an interim plan to place armed, off-duty Monroe Township Police Officers in our schools. This temporary action will cost us \$450,000 and will be in place this Spring until the Board of Education develops a policy to arm their security staff, those of whom are retired New Jersey police officers. There is nothing more important than our children's safety. In addition, in 2018, we offered our hard-working employees, a 2.5% raise, since many of our employees were reaching the final year of the full phase-in of health insurance cost sharing. As result, many of our employees have been taking home less money year-over-year for the past four years. This year, because of state mandated, Chapter 78 laws, all township employees now pay up to 35% of the cost of their health insurance premiums. With an increase of \$100,000 in our 2018 budget we continue to support our library in excess of what state law requires. The library is one of our greatest resources and serves our entire community, from young to old. I could not be prouder of their success and I congratulate Irene Goldberg and her staff and Council President Steve Dalina, who serves as my appointee to the Library Board. Finally, to tighten our belt further and stretch our dollars, we will not be hiring any new, full-time employees going forward in 2018, except to replace those who retire or leave. With one exception, in public safety, we will hire three new officers, one of which is a replacement. We continue to cut costs across this budget including operating expenses and continue to reduce our professional services where possible. Unlike other municipalities, the Administration works closely with the Council before formal introduction of the budget. I want to thank Council President Steve Dalina and the entire Township Council for their insight and hard work during this budget cycle. With these budget challenges, especially the unanticipated increase for school security, and no increase in municipal aid from the State, we have worked hard to introduce a budget that limits the municipal purpose tax rate increase to 1.9 cents. This year's proposed municipal tax rate will be \$0.476 per \$100 assessed value. That is an addition of \$19 per 100,000 of assessed value, and \$58 for the average homeowner. This year we made some tough decisions that has allowed us to keep our average municipal tax increase under 1% for the past five years combined. Let me repeat, our average municipal tax increase is under 1% annually since 2014. We have also remained under the state mandated 2% levy cap for 2018 and the previous five years. Equally as important, the total proposed overall County, Municipal, and Board of Education budgets will keep our overall tax rate increase under the 2% cap as well at 1.79%. Let me give you a breakout of your total property tax bill. The municipal portion, which is the only portion of property taxes that are under the direct control of the Mayor & Council, is 20% of your total property taxes. The Board of Education makes up the largest portion of property taxes at 56%; the County at 18%; and the Fire Districts at 6%. For the average taxpayer, all of your municipal services cost less than \$1,500 a year. For the 27th consecutive year, there will be no increase in basic residential water & sewer rates, which are the lowest in Middlesex County and among the lowest in all of central New Jersey. Later this Spring, we will look at the rates for large-scale users and other opportunities in the ratepayer system that can help our residents. The 2018 capital plan is modest and keeps us at less than 24% of our borrowing capacity and contributes to our financial standing and strong bond rating. Noteworthy capital improvement projects this year focus on roads and traffic improvements. We will begin construction on road improvements at Spotswood and Ellingham Avenue, funded in part through a state grant, as well as water main and road improvements on Monmouth Road. We are also investing another \$850,000 for township-wide road improvements for the fall. Monroe Township remains one of the premier communities in Central New Jersey with a great location and more open space than any other municipality in our County. We continue to pursue open space and farmland preservation with a goal of 50% open space in our community. This past year, we made the Rural Residential/Farmland Preservation Zone, 10-acre minimum zoning, up from 6-acres, which will help in this open space goal. This zone represents over 5,000 acres of our community. We are extremely proud of our quality municipal services, including our amazing recreation, senior services and unparalleled emergency medical services. We are consistently recognized as one of the safest towns in New Jersey, and this is the result of our police department's skill and effort and our investment as a community. We will continue to work together with Middlesex County, our Fire Districts, and the Board of Education for the betterment of our residents and our community. I know we can achieve more by working together and I will continue that effort in 2018."

He thanked everyone for their hard work and due diligence throughout the budget process.

Council President Dalina thanked the Mayor, Administrator Weinberg and CFO Lange for their hard work and keeping the Council informed throughout the whole budget process.

Administrator's Report – Administrator Weinberg reported that the County entered into the 17-acre horse farm open space farmland preservation for the JB Heatherwood Farms that we have previously voted on. This is the 11th farm that has been preserved under this program and we have another 37-acre track coming forth this summer which we previously improved over on Federal Road.

A Farmland Preservation information session was held which was very informative and solidified our commitment to continue working with the County on this.

Mentioned that the Township has received a Ford 250, 20-Passenger Bus, through a grant. It is our 3rd bus Received and wonderful for residents of the senior communities to get around.

Attended Maker's Fest; hundreds of people were in attendance and it was great event.

Gave an update on the Veteran's Park/Avenue K fields, stating that glass was found on the field which prompted the closure of those fields until they were safe to be used. We worked with the construction contractor and successfully avoided having to go through the litigation process. The contractor is making it right and will fix those areas affected so we will see work on those fields being done shortly.

The traffic light at Mounts Mills and Spotswood Englishtown Road is still being worked on with the County. The utility work is still being completed and we are hoping to have the light fully functional by May.

The Energy Aggregation Program is 19% lower than JCP&L's rates. He explained when the overall rate goes up for all of the State we are then affected as well, adding that the tariff rates increased by .003/kilowatt but the Township's Energy Aggregation Program still remains 19% lower.

Lastly, Administrator Weinberg added that the budget will be online by the end of the week with the public hearing at the May meeting.

Engineer's Report – Engineer Rasimowicz reported that the traffic signal on Mounts Mills Road and Spotswood Englishtown Road will be operational once the utility work is completed.

The cleanup work at Veteran's Park/Avenue K has been delayed due to the weather and saturated grounds. Work is scheduled to begin in about two weeks.

The Cedar Brook Pond Pump Station contractor anticipates to begin soon within 4-6 weeks now that the weather is cooperating.

The Ellingham Road and Spotswood Avenue project is being reviewed by NJDOT and once it is approved we will then go out to bid.

COUNCIL REPORTS:

Council Vice-President Schneider –

- Condolences to Carol Merwin's family; on April 17th at 2:30pm there will be a tree planting at the Senior Center in honor of her.
- As a mother and a grandmother heart breaks for the family of Om Parikh.
- The Human Relations Commission will be holding its annual Multicultural Fair which will be held this year on April 28th at the high school from 1pm-4pm. The event is free to attend and a wonderful day.
- Honored to be invited to the Blue & Gold Pack 105 Award Banquet. Also, was privileged to attend the Eagle Scouts Court of Honor Ceremony.
- Attended the Annual Easter Egg Hunt & Bonnet Contest. Over 600 people were in attendance and it was a wonderful day.
- Attending the Rossmoor Jewish Community Day on April 14th so will unfortunately miss out on the baseball and softball opening day.

Councilman Baskin –

- Thanked the Mayor for his continued fight for fair school funding.
- Will miss Carol Merwin who worked at our Senior Center and resided next door. She was a wonderful person.
- On September 14th and October 12th, you can take a tour of Monroe, narrated by Town Historian John Katerba, for a \$5.00 donation. If interested you can contact the Transportation Office to sign up.
- Saturday, April 28th is Earth Day and the Millstone Watershed Association has invited everyone to meet up at the Community Garden from 1pm-3pm and help with the cleanup.

Councilman Dipierro –

- Thanked all of the staff who worked long and hard on the budget.
- The Shade Tree Committee is giving out 2,000 seedlings this Saturday, April 14th. They will be set up at the Department of Public Works from 9am to 11am and then at the James Monroe Park from 11am to 1:30pm. Seedlings will also be distributed out at the Library and the Community Center from 10am-3pm.
- Middlesex County will have a paper shredding event held on April 13th at the Senior Center from 9am to 12:00pm or until the truck is full.
- Attended a DEP event in Trenton where Governor Murphy signed Executive Order #7 which is about carbon monoxide and getting the communities to join and help reduce their carbon footprint.
- Attended the first meeting of the year for the Citizen Review Committee. Reported that they currently have 125 incarcerated and 402 State employees that work there.
- In regards to Veterans Park, Councilman Dipierro asked if there was going to be a preconstruction meeting, and if so, he reported that he would like to attend. Engineer Rasimowicz stated that the

work is set to begin in about one week. Councilman Dipierro added that he wants to make sure that a fence will be placed around the work area to ensure the safety of the children using the field. Engineer Rasimowicz answered that they will be providing a fence that will be put up prior to any construction.

- Asked for a follow-up to the Mounts Mills Road project; Mike Barnes answered that we do not have an actual start date, still waiting for the drawings from PSE&G. He added that there are a few conflicts to work out and once it gets going it will go back and forth to see who will start first and then second with an estimated start date being April 15th.
- Asked if the roadwork on Perrineville Road is on schedule; Engineer Rasimowicz answered that the work is on schedule with an expected completion date of December.
- Asked for a follow up to the issue with truck traffic on Federal Road; Administrator Weinberg responded that with Perrineville Road closed now he feels that it is not the right time to look into that but it can be looked at after the closure of Perrineville is done. Councilman Dipierro added that he believes it should be looked into because it is a definite issue that needs to be addressed.
- Noted that the bid opening for the Daniel P. Ryan field yielded no bids and asked what the status is of that project; Administrator Weinberg answered that the plan is to meet up with the Township Department heads in hope of coming up with a plan to get the project off the ground.
- Attended an assembly at the high school for the junior and senior classes. The motivational speaker was wonderful and it was very emotional and made it very crystal clear how important mental health awareness is.
- Attended the Easter Egg Hunt at the Community Center.
- Attended the Blue & Gold Pack 105 Cub Scout ceremony which was wonderful.
- The Open Space Farmland Preservation Program is a wonderful thing and hopes that more residents will look into this.

Councilwoman Cohen –

- Attended a presentation given by the OEM about their preparedness plan which was very interesting and informational.
- U Text, U Drive, U Pay which is a very good thing and important to be aware of while behind the wheel.
- The library will host a free training on Opioid Overdose on Monday, April 23rd, where free kits will be given out to those who attend.
- Cultural Arts will have a Chamber of Music Series beginning on April 16th at 1pm at the Library. Also, Forever Tina a Tribute to Tina Turner, will be on April 29th at 4pm at the Marasco Performing Arts Center.

Council President Dalina –

- Joked that he wanted a mock resolution to vote on stating that he is done with the cold weather and the Opening Day for baseball and softball is scheduled for April 14th. 10am will kickoff softball and 12pm will kickoff baseball. A soccer tournament will also be held the same day at Thompson Park on the new turf field.
- Summer Camp Registration is now open, you can signup online at www.MonroeRec.com
- Spring cleanup and bulk pick up can be scheduled with the Department of Public Works by calling 732-656-4575 for an appointment.

Public:

Anand Paluri, 16 St. James St. – Mr. Paluri thanked the Mayor for his very inspiring speech regarding tax control and thanked him for his hard work with school funding.

Coming before Council to speak on behalf of a woman whose husband was killed by a hit and run driver on November 30, 2017 at the intersection of Applegarth Road and Forsgate Drive. The person who hit him has not been found and there are no cameras at the intersection.

The India-US Forum of Monroe Township will have an Earth Day celebration on April 21st where a cleanup of the Asbury Park Beach will take place. Anyone can sign up to participate and receive community service volunteer hours.

An information session will be held on domestic violence on May 5th, a citizen who lives in Rossmoor will be speaking on this topic, as well as, a doctor who will speak on the opioid problem.

Asked for the approximate time frame that the traffic signal located at the intersection of Matchaponix Road and Pergola Avenue will be done; Engineer Rasimowicz answered that we are waiting on other agencies and right now there is not an estimated time frame. He added that we will hopefully be going out to bid for this later this year.

A few months ago asked about retiming the traffic signal at the intersection of Schoolhouse Road and Buckelew Avenue, asked what the status is; Engineer Rasimowicz answered that he will follow up.

Prakash Parab, 33 Dayna Dr. – Today in Trenton there was discussion regarding the State budget. He attended with Dr. Kozak and spoke about how the unfair funding is affecting our Township. The teacher’s contracts have not been signed in 6 months and feels that they should get paid in a fair way. The formula does not take all of the senior citizens into consideration.

The Monroe Indians for Civic Action is sponsoring a 5k walk in memory of Om Parikh on May 20th.

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman stated that on Wykoff Mills Road and Applegarth Road there is a wetlands remediation site and north of that site an area under the power lines with a large amount of soil he stated that there is no gate and people are starting to dump there. Recommended either getting fencing or putting up a gate to stop that from happening.

In regards to O-4-2018-015 how much would the budget appropriation limit be exceeded and asked what is a CAP Bank; Administrator Weinberg answered that it allows you to carry over unused CAP, up to 3.5%, and take the difference of what we are spending and what we are not using to carry forward CAP in the event of an emergency. We are allowed to have CAP Bank balances for three years.

Asked what the audit is about in regards to R-4-2018-115; Harold Klein answered that this is in regards to the Clean Energy Program and it looks into seeing if there are any saving opportunities that the State would subsidize the cost of. The State pays 70% and the Township pays 30%. This is for improvements at the Monroe Township Utility Department, specifically, for the boiler and lighting. This had already been done in the Municipal Building and each year we get money back from the State because we are efficient.

Hy Grossman, 15 Doral Dr. – Mr. Grossman sounds like a good budget and thanked everyone for their hard work.

Commented that he would not be doing his due diligence if he did not comment on the traffic signal located at the intersection Spotswood-Englishtown Road and Mounts Mills Road as it is like playing Russian Roulette trying to get through that intersection and it needs to be rectified.

UPON MOTION made by Councilwoman Cohen and seconded by Council Vice-President Schneider, the Regular Meeting was Adjourned at 8:51pm.

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Leonard Baskin	Aye
	Councilman Charles Dipierro	Aye
	Council Vice-President Elizabeth Schneider	Aye
	Council President Stephen Dalina	Aye

Patricia Reid

PATRICIA REID, Township Clerk

Stephen Dalina

STEPHEN DALINA, Council President

Minutes were adopted on: May 7, 2018.