

**COUNCIL OF THE TOWNSHIP OF MONROE**

**MINUTES**

**REGULAR MEETING - - OCTOBER 3, 2011**

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

The Regular Meeting was Called to Order at 7:30 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag, led by Tommy and Jake Lloyd, sons of Captain Michael Lloyd.

**UPON ROLL CALL** by Deputy Township Clerk, Patricia Reid, the following members of Council were present: Councilwoman Leslie Koppel, Councilmen Michael Leibowitz and Irwin Nalitt, Council Vice-President Henry L. Miller and Council President Gerald W. Tamburro.

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

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

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

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

1. Posted on January 7, 2011 on the Bulletin Board of the Office of the Township Clerk and remains posted at that location for public inspection;
2. Communicated to the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 7, 2011;
3. Posted on January 7, 2011 on the Bulletin Boards within the Municipal Complex;
4. Posted on the Monroe Township website; and
5. Sent to those individuals who have requested personal notice.

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

Council President Tamburro advised that this evening there will be a special presentation honoring Captain Michael Lloyd on his graduation from the FBI National Academy in Quantico, Va. Chief Kraivec touched on his acceptance into the National FBI Academy, which is done by invitation only and also gave a background of Captain Lloyds' accomplishments. Mayor Pucci presented Captain Lloyd with an Award of Achievement. Council Members offered their congratulations. Captain Lloyd thanked everyone for their support.

2011 Mayor's Cup Awards Presentation – Jay Brown, of the Monroe Township Recreation Department, gave an overview of the various activities. Awards were given to the following Communities:

- Regency – Men's Bowling
- Encore – Women's Bowling
- Regency-Women's Golf
- Regency-Men's Golf
- Regency – Men's Tennis
- Greenbriar – Women's Tennis
- Regency – Basketball (Spot Shooting)
- Regency – Table Tennis
- Ponds & Encore – Duplicate Bridge
- Renaissance @ Cranbury Crossings & Regency – Bocce
- Regency – Shuffleboard

Council Members congratulated all the winners.

**UPON MOTION** made by Councilwoman Koppel and seconded by Councilman Nalitt, the **Minutes** of the **August 29, 2011 Agenda & Regular Meeting** were approved as written and presented.

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| ROLL CALL: | Councilwoman Leslie Koppel             | Aye |
|            | Councilman Michael Leibowitz           | Aye |
|            | Councilman Irwin Nalitt                | Aye |
|            | Council Vice-President Henry L. Miller | Aye |
|            | Council President Gerald W. Tamburro   | Aye |

**UPON MOTION** made by Councilman Nalitt and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE AMENDING CHAPTER 116 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "TOWING AND STORING OF VEHICLES"**

**ORDINANCE** as follows: (O-10-2011-033)

**BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 116 of the Monroe Township Code entitled "Towing and Storing of Vehicles" be amended and supplemented as follows:

**Section 1.**

**116-15.1 Junk Title Certificate**

A Tow operator, who has in his possession a vehicle which has been abandoned or unclaimed for a period of 15 business days or more, which is inoperable or cannot be put in safe operational condition except at a cost in excess of the value of the vehicle, may apply to the State of New Jersey for a Junk Title Certificate. In order to apply for a Junk Title Certificate the tow operator shall:

- a. Provide notice to the Police Department of its possession of the vehicle in accordance with Section 116-15 of the Monroe Code.
- b. Notify the owner and lien holder (if applicable) by certified mail that the tow operator is in possession of the abandoned or unclaimed vehicle; the amount of any lien on the vehicle that the tow operator claims and the daily storage fees.
- c. Request that the Police Department complete a check with the National Crime Information Center (NCIC) to determine if the vehicle is stolen.
- d. Request that the Police Department report possession of an abandoned or unclaimed vehicle to the National Insurance Crime Bureau.
- e. Provide to the Police Department a completed copy of the New Jersey Motor Vehicle Commission form OS/SS-87- "Report of Possession of Abandoned Vehicle by Public Agency and Request for a Junk Title" to be signed by an authorized representative of the Monroe Township Police Department and proof that the notice required by this ordinance has been sent to the owner and lien holder (if applicable).
- f. All required documents shall be mailed to The New Jersey Motor Vehicle Commission along with a check or money order for \$2.00 made payable to NJ MVC.
- g. The Monroe Township Police Department will maintain a record of all Junk Title Certificates and shall turn the original Junk Title Certificate over to the requesting tow operator.

**116-15.2 Standard Title Certificate**

A Tow operator who has in his possession a vehicle which has been abandoned or unclaimed for a period of 20 business days or more, which can be put in safe operational condition at a cost not to exceed the value of the vehicle or the owner of the vehicle owes payment to the tow operator in excess of the value of the vehicle, may apply to The State of New Jersey for a Standard Title Certificate so that the vehicle may be sold at auction or have ownership of the vehicle transferred to the tow operator to satisfy the tow operator's lien on the vehicle. In order to apply for a Standard Title Certificate the tow operator shall:

- a. Provide notice to the Police Department of its possession of the vehicle in accordance with Section 116-15 of the Monroe Code.
- b. Notify the owner and lien holder (if applicable) by certified mail that the tow operator is in possession of the abandoned or unclaimed vehicle; the amount of any lien on the vehicle that the tow operator claims and the daily storage fees.
- c. Request that the Police Department complete a check with the National Crime Information Center (NCIC) to determine if the vehicle is stolen.
- d. Request that the Police Department report possession of an abandoned or unclaimed vehicle to the National Insurance Crime Bureau.
- e. Provide the Police Department with a completed copy of the New Jersey Motor Vehicle Commission form OS/SS-89-“Report of Possession of Abandoned Vehicle” to be signed by an authorized representative of the Monroe Township Police Department.
- f. All required documents shall be mailed to The New Jersey Motor Vehicle Commission along with a check or money order for \$2.00 made payable to NJ MVC.
- g. The tow operator shall deliver the vehicle to The Township of Monroe Department of Public Works for storage, or such other location as directed by the Police Department, until vehicle is put up for auction.
- h. After the Township of Monroe receives a Standard Title Certificate from the Division of Motor Vehicles, the vehicle will be auctioned off by the Township at the next Public Auction of Township property.
- i. After the vehicle is offered for auction any lien owed to the tow operator will be satisfied between Township of Monroe and the tow operator either by the proceeds from the auction or possession of the vehicle if no qualifying bid is received at the auction.

**SECTION 2.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and the same are hereby repealed.

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

**SECTION 4.** This ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED**, as aforesaid.

Council President Tamburro opened the Public Hearing for Council and Public discussion.

There was no Council or Public discussion regarding this Ordinance.

As Councilman Nalitt and Councilman Leibowitz regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption: **ORDINANCE AMENDING CHAPTER 116 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “TOWING AND STORING OF VEHICLES”**

|            |  |     |
|------------|--|-----|
| ROLL CALL: | Councilwoman Leslie Koppel             | Aye |
|            | Councilman Michael Leibowitz           | Aye |
|            | Councilman Irwin Nalitt                | Aye |
|            | Council Vice-President Henry L. Miller | Aye |
|            | Council President Gerald W. Tamburro   | Aye |

Copy of Ordinance Duly Filed. (O-10-2011-033)

**UPON MOTION** made by Councilman Nalitt and seconded by Councilman Leibowitz, the following entitled **RESOLUTIONS** were adopted under the **CONSENT AGENDA:**

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| ROLL CALL: | Councilwoman Leslie Koppel             | Aye |
|            | Councilman Michael Leibowitz           | Aye |
|            | Councilman Irwin Nalitt                | Aye |
|            | Council Vice-President Henry L. Miller | Aye |
|            | Council President Gerald W. Tamburro   | Aye |

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

- R-10-2011-232** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) UPON THE POSTING OF MAINTENANCE GUARANTEES FOR W&S 684.12 – REGENCY AT MONROE, PHASES 3 & 4 – (PB #860-03).
- R-10-2011-233** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) UPON THE POSTING OF MAINTENANCE GUARANTEES FOR W&S 684.16 – REGENCY AT MONROE, PHASE 5 – (PB #970-05).
- R-10-2011-234** RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) FOR W&S 684.15 – REGENCY AT MONROE, PHASE 6 (PB #655-99).
- R-10-2011-235** RESOLUTION AUTHORIZING MODIFICATION OF A FAIR AND OPEN CONTRACT WITH HAZEN AND SAWYER FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH PUMP STATION #1 LIGHTING AND VENTILATION FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”)
- R-10-2011-236** RESOLUTION AUTHORIZING REPLACEMENT OF CASH PERFORMANCE GUARANTEES POSTED BY AMERICAN DREAM LAND, LLC a/k/a JURGELSKY PARK ESTATES.
- R-10-2011-237** RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENTS.
- R-10-2011-238** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED FOR BUFFOLINO (PB-927-04).
- R-10-2011-239** RESOLUTION AUTHORIZING AN EXTENDED SICK LEAVE.
- R-10-2011-240** RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL LEGAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. RELATED TO THE REPRESENTATION OF THE TOWNSHIP IN VARIOUS WORKERS’ COMPENSATION CLAIMS AS EXTRAORDINARY LITIGATION.
- R-10-2011-241** RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). (Law Enforcement Response - Community Concerns Grant in the amt. of \$5,000)
- R-10-2011-242** RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR/QPA TO PREPARE AND ADVERTISE REQUESTS FOR QUALIFICATIONS (“RFQ’S”) FOR VARIOUS PROFESSIONAL SERVICES FOR YEAR 2012.
- R-10-2011-243** RESOLUTION AMENDING RESOLUTION R-8-2011-189 AUTHORIZING REFUND OF PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING PERMIT NO. 06-55, AVENUE I.
- R-10-2011-244** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITIES DEPARTMENT (“M.T.U.D.”) FOR STONEBRIDGE, SECTION 4A - ADDITIONAL PHASE 1 LOOP IN SECTIONS 4B & 4C (PB-1079-10).
- R-10-2011-245** RESOLUTION REFUNDING TAX OVERPAYMENTS.

Mayor Pucci – No report

Administrator Hamilton – Mentioned a few reminders to those affected by the hurricane: the hours at the Disaster Recovery Office in East Brunswick have been reduced. They will be open Mon.-Sat. from 10am-6pm. Four other offices have been closed. He urged anyone with FEMA issues or questions to go there ASAP.

Engineer Feist – No Report.

Council Reports:

Councilwoman Koppel – announced that on Oct. 14<sup>th</sup> the Friends of the Library will co-sponsor the annual jazz event at 7pm in memory of Helen Levinson. Oktoberfest will be held on Oct. 18<sup>th</sup> from 10am-4pm at the Community Center on Monmouth Road.

Councilman Leibowitz – No Report.

Councilman Nalitt – No Report.

Council Vice-President Miller – No Report.

Council President Tamburro – announced that the Environmental Commission held their Green Fair on Saturday, October 1<sup>st</sup> at Oak Tree School on Applegarth Road.

**PUBLIC:**

Norman Lee, 70 John Adams Court – Advised the Council & Township Engineer about a problem with the straight & left hand traffic lane at the intersection of Stonebridge past Oak Tree School. The same problem exists in the opposite direction in the straight & right hand lane. Engineer Feist stated that this traffic pattern was designed by the developer according to County guidelines and it might be an enforcement issue. It is a County Road and he will pass the information on to the County Engineer. Mr. Lee also mentioned the intersection of Prospect Plains & Half Acre Rd by the gas station.

Sharon Decker, Rossmoor, - stated that 150-200 homes were effected by Hurricane Irene in Rossmoor. She asked about the future long range plans. Engineer Feist outlined the history of the Cedar Brook Pond that is owned by Rossmoor & Matrix. The town has worked closely with the Maintenance Department at Rossmoor to resolve the problem. The County is now working with the Turnpike because the water goes under Prospect Plains and then underneath the Turnpike. Council President Tamburro added that the County is working with the Turnpike to increase in size the piping structure going underneath the Turnpike. He is also working with the Rockafeller Group to get the debris cleaned up at the front end of their property so if and when the water comes into Rossmoor it has a place to go. It is a complex problem that does take time.

Ann Price, 73 Forest Park Terrace – stated that the Matchaponix Watershed is behind her house and the berms are not high enough. Engineer Feist stated that the berm is on private property. She asked how she would get updates. Council meetings are held twice a month. Engineer Feist explained that since a disaster was declared, FEMA money will be available. The County Flood Control Commission is meeting this month. All Mayors from towns that were impacted by the flood are invited. It is also open to the public. The date and time can be found on the County website. Engineer Feist does get minutes of these meetings which he will gladly share with Ms. Price.

Catherine Randall, 23 Carlton Ave. - informed the Council that the berm is owned by Dupont. She requested a list of the homes affected. Engineer Feist said he would e-mail her the list. She next questioned Item #9.h. Extended Sick Leave – she asked if it was paid and for what period of time. Administrator Hamilton responded.

Item #9.i. – Payment of additional legal fees to Shain, Schaffer & Rafanello – She questioned the amount to which Administrator Hamilton responded - \$5,000.

Michele Arminio, 9 Nathaniel St. – questioned Item #9.i. – Additional legal fees to Shain, Schaffer & Rafanello – She said it is \$5,000 on top of the initial \$15,000. Mr. Hamilton confirmed this was correct.

Item #9.k. – RFQ's for various professionals – asked which professionals. Administrator Hamilton read the list.

Item #9.n. – Asked for the amount of Tax Overpayments - \$29,766.91.

Next she questioned the appraisal at the meeting on Block 146. She was unable to find the street. Engineer Feist responded that it is Block 146.02, Lots 22.03 and 22.02 – 52 & 54 Daniel Rd.

Ms. Arminio questioned if the Township had gotten the legal opinion on the “Open Public Meetings Act” that was requested at the last meeting. Attorney Shain responded that he does not have it yet but it will be available for the next Agenda meeting.

She asked if fees for Shain, Schaffer & Rafanello related to the flood are coming from the “Open Space” Budget and Administrator Hamilton advised that it has not yet been determined but it will require a separate Resolution for the various professionals. She asked how many were involved and Administrator Hamilton advised the Appraiser, the Township Engineer and Township Attorney.

Nicole Sosnowski, 96 Tyndale Ave. – asked if the homeowners get their own appraisal and there is a difference, how will they reach a middle ground. Attorney Shain stated that a settlement can be negotiated. The two appraisers would select a third and then the decision of the third appraiser would be accepted.

She then asked about the taxes. Administrator Hamilton explained that one of the provisions in the offer letter will deal with this subject. The MTUD will also be included.

Next she asked how the Township will handle Open Space Funds vs. the Blue Acre Funds that are received from the government. Both Administrator Hamilton and Engineer Feist explained.

Joe Avitto, 29 Forest Park Terrace – wondered what the status of the COAH Program and any claims that were filed with MTUD. Administrator Hamilton stated that he has not yet heard from the Middlesex County Insurance Fund but he will be following up. Helga Stoessler, the Township's Public Advocate, who had been on vacation, now has the application and will process. Suggested he check with her tomorrow to see that she has all necessary documents.

Virginia McGinnis, 326A Nantucket - questioned if there are any codes regarding the removal of sheetrock in various areas. Engineer Feist gave his opinion but felt she needed to verify the information with Bob Downey in the Construction Dept. Engineer Feist will contact Mr. Downey and have him reach out to Ms. McGinnis.

**UPON MOTION** made by Councilman Nalitt and seconded by Councilwoman Koppel, the regular meeting was Adjourned at 9:07pm.

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| ROLL CALL: | Councilwoman Leslie Koppel             | Aye |
|            | Councilman Michael Leibowitz           | Aye |
|            | Councilman Irwin Nalitt                | Aye |
|            | Council Vice-President Henry L. Miller | Aye |
|            | Council President Gerald W. Tamburro   | Aye |

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SHARON DOERFLER, Township Clerk

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GERALD W. TAMBURRO, Council President

Minutes were adopted on \_\_\_\_\_