

**COUNCIL OF THE TOWNSHIP OF MONROE**

**MINUTES**

**AGENDA MEETING – JULY 29, 2013**

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

The Agenda Meeting was Called to Order at 7:00 p.m. by Council President Gerald W. Tamburro with a Salute to the Flag.

**UPON ROLL CALL** by Township Clerk, Sharon Doerfler, the following members of Council were present: Councilman Stephen Dalina, Councilwoman Leslie Koppel, Councilman Michael Leibowitz, 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 Engineer Mark Rasimowicz, sitting in for Township Engineer Ernest W. Feist.

**ABSENT:** Engineer Ernest W. Feist

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

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

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

1. Posted on January 4, 2013 on the Bulletin Board of the Office of the Township Clerk in the Municipal Building, 1 Municipal Plaza and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and **CRANBURY PRESS** on January 4, 2013;
3. Posted on January 4, 2013 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 read the following entitled **ORDINANCE** for **SECOND READING** at the **MONDAY, AUGUST 5, 2013** Regular Council Meeting:

- a. **ORDINANCE AUTHORIZING THE TOWNSHIP OF MONROE TO ESTABLISH A GOVERNMENT ENERGY AGGREGATION FOR ELECTRICITY PURSUANT TO P.L. 2003, c. 24 AND N.J.A.C. 14:4-6.**

Council President Tamburro read the following entitled **ORDINANCES** for **INTRODUCTION** at the **MONDAY, AUGUST 5, 2013** Regular Council Meeting:

- a. **ORDINANCE ACCEPTING A DEED OF CONSERVATION EASEMENT FROM FRANCIS E. PARKER MEMORIAL HOME, INC. ON LOT 4.27 IN BLOCK 52.**

- b. **ORDINANCE PROVIDING FOR THE ACCEPTANCE OF A DONATION OF LAND KNOWN AS BLOCK 52, LOTS 9, 10 AND 11 TO THE TOWNSHIP OF MONROE BY CON AMOR, LLC.**
- c. **ORDINANCE ACCEPTING LANDS TO BE DEDICATED FOR PURPOSES OF STORMWATER MANAGEMENT IN THE "MONROE HUNT" RESIDENTIAL SUBDIVISION.**
- d. **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT".**
- e. **ORDINANCE AMENDING ORDINANCE NO. 0-6-2011-023 ENTITLED "ORDINANCE AUTHORIZING THE SALE OF THE VACATED RIGHT- OF-WAY IN AND TO CERTAIN PORTIONS OF BLOCK 109, LOT 1.27".**
- f. **BOND ORDINANCE PROVIDING FOR VARIOUS 2013 WATER AND SEWER UTILITY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$5,200,000 THEREFOR FROM THE WATER AND SEWER UTILITY OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF \$5,200,000 BONDS OR NOTES TO FINANCE THE COST THEREOF.**

Council President Tamburro requested the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, AUGUST 5, 2013** Regular Council Meeting, be reviewed and will be happy to address any questions:

- a. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR ANDRE ESTATES (PB-698-00).**
- b. **RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR CROSSINGS @ MONROE (PB 828-03) W&S 804, 804I & 804-I0SIRR ON-SITE WATER, SEWER, IRRIGATION AND OFF-SITE IRRIGATION.**
- c. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEES WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR STONEBRIDGE, SECTIONS 6A & 6B, W&S 818-6A & 818-6B.**
- d. **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR REGENCY @ MONROE - SECTIONS 8A & 8B (PB-1061-08).**
- e. **RESOLUTION APPROVING CHANGE ORDER R-12 SUBMITTED BY ARCO CONSTRUCTION GROUP, INC. FOR ADDITIONAL WORK PERFORMED IN CONNECTION WITH THE CONSTRUCTION OF THE MONROE TOWNSHIP SENIOR/TRANSPORTATION FACILITY.**
- f. **RESOLUTION AUTHORIZING AWARD OF CONTRACT WITH AN APPROVED STATE CONTRACT VENDOR FOR 2013 MAINTENANCE SERVICE FOR THE CISCO TELEPHONE EQUIPMENT AT THE MONROE TOWNSHIP POLICE DEPARTMENT.**
- g. **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE PROFESSIONAL SERVICE CONTRACTS WITH FEIST ENGINEERING, INC. FOR VARIOUS ENGINEERING SERVICES RELATED TO 2013 CAPITAL PROJECTS.**
- h. **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ESTABLISHING A MAINTENANCE GUARANTEE WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR REGENCY @ MONROE, SECTION 14, W&S 684-14.**

- i. **RESOLUTION REFUNDING THIRD PARTY TAX LIEN PREMIUM PAYMENT.**
- j. **RESOLUTION REFUNDING TAX OVERPAYMENTS.**
- k. **RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEES POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") FOR DAVID COYLE, BLOCK 93, LOT 6 – (BA 817-08).**
- l. **RESOLUTION GRANTING AUTHORIZATION TO JOHN KATERBA, CHIEF INSPECTOR FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") TO SIGN ALL APPLICATIONS FOR STATE, FEDERAL, REGIONAL OR LOCAL PERMITS FOR WATER AND SANITARY SEWER PROJECTS ON BEHALF OF THE UTILITY DEPARTMENT.**
- m. **RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. RELATED TO REPRESENTATION OF THE TOWNSHIP IN THE MATTER OF GARVEY et als v. TOWNSHIP OF MONROE.**
- n. **RESOLUTION AUTHORIZING PAYMENT OF ADDITIONAL FEES TO SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE VARIOUS STATE TAX COURT APPEALS IN YEAR 2013 AS EXTRAORDINARY LITIGATION.**
- o. **RESOLUTION AUTHORIZING AWARD OF CONTRACT TO KENNEDY CULVERT SUPPLY CO. FOR SECTIONS G AND H OF CONTRACT NO. 422 - "WATER & SEWER SYSTEM APPURTENANCES" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.)."**
- p. **RESOLUTION AUTHORIZING AWARD OF CONTRACT TO WATER WORKS SUPPLY CO., INC. FOR SECTIONS A,B, C1, C2, D, E1 AND F OF CONTRACT NO. 422 - "WATER & SEWER SYSTEM APPURTENANCES" FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.)."**
- q. **RESOLUTION AUTHORIZING SHAIN, SCHAFFER & RAFANELLO, P.C. TO HANDLE THE PERRINEVILLE ROAD / UNION VALLEY ROAD INTERSECTION IMPROVEMENTS, CONDEMNATION AND PROPERTY ACQUISITION PROCEEDINGS AS EXTRAORDINARY LITIGATION.**
- r. **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT BY AND BETWEEN THE FRANCIS E. PARKER MEMORIAL HOME, INC. AND THE TOWNSHIP OF MONROE WITH REGARD TO TRAFFIC IMPROVEMENTS AT THE "SCHOOLHOUSE ROAD TRIANGLE" IN THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX.**
- s. **RESOLUTION AUTHORIZING EXTENSION OF A ONE-TIME GRACE PERIOD FOR THE PAYMENT OF THIRD QUARTER TAXES, 2013.**
- t. **RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL PAST DUE TAXES FOR TAX YEAR 2013 ASSESSED ON BLOCK 77, LOT 8.01 AND TO EXEMPT SAID PROPERTY FROM TAXATION.**
- u. **RESOLUTION AUTHORIZING THE BUSINESS ADMINISTRATOR TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES.**
- v. **RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR/QPA TO RE-ADVERTISE FOR RECEIPT OF BIDS FOR THE MONROE TOWNSHIP TAX AND UTILITY FORMS.**
- w. **RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMISSION OF A SUSTAINABLE JERSEY GRANT APPLICATION.**
- x. **RESOLUTION AUTHORIZING FEIST ENGINEERING, INC. TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR RECEIPT OF BIDS FOR VARIOUS CAPITAL PROJECTS.**

- y. RESOLUTION AUTHORIZING AWARD OF BID FOR MONROE TOWNSHIP 2013 HVAC MAINTENANCE AND REPAIR SERVICES.
- z. RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 421 – “SYSTEM REPAIR SERVICES” TO PM CONSTRUCTION CORPORATION FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- aa. RESOLUTION AUTHORIZING AWARD OF CONTRACT NO. 423 – “SCADA SYSTEM MAINTENANCE AND REPAIR SERVICES” TO PCS PUMP AND PROCESS, INC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- bb. RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEES WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) FOR STONEBRIDGE, W&S 818.1 – REALIGNMENT OF OLD CHURCH ROAD.
- cc. RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEES WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) FOR STONEBRIDGE, W&S 818.2 – PHASE 1, SECTIONS 1 & 2.
- dd. RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE, PHASE 8 – RECREATION FACILITY.
- ee. RESOLUTION AUTHORIZING A GRANT APPLICATION UNDER THE “RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES PROGRAM” SPONSORED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.
- ff. RESOLUTION AUTHORIZING AN EMERGENCY AWARD OF A PROFESSIONAL SERVICE CONTRACT ON A PER DIEM BASIS TO MIDDLESEX WATER COMPANY FOR UTILITY MANAGEMENT SERVICES FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- gg. RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A TOLLING AGREEMENT BY AND BETWEEN FORSGATE COUNTRY CLUB, THE TOWNSHIP OF MONROE AND THE MONROE TOWNSHIP UTILITY DEPARTMENT REGARDING SANITARY SEWER AND WATER CHARGES.
- hh. RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH AN ENERGY CONSULTANT TO ADMINISTER THE MUNICIPAL ENERGY AGGREGATION PROGRAM IN MONROE TOWNSHIP.

**Mayor – No Report.**

**Administrator – No Report.**

**Engineer – No Report.**

**Council Reports:**

Councilman Leibowitz – spoke about the HGTV show “Cousins”. They came to town and re-did the house of a Cancer patient in 3 days. The show will be broadcast on Oct. 6<sup>th</sup>.

Councilman Dalina – mentioned that he and Councilman Leibowitz attended an Eagle Scout ceremony for Lewis Pron on Sunday.

Councilwoman Koppel – remarked on the Cultural Arts “Summer Series” which continues through August. If it rains, it will be held at the Senior Center on Halsey Reed Road.

Council Vice-President Miller – commented on the new Senior Center and how membership has increased to over 500. Some of the events taking place are an International Tasting Program and in September, a women's only pajama party. Open enrollment for Medicare "Part B" will be on Oct. 15<sup>th</sup> and counseling or assistance will take place at the Senior Center. No fees are charged for these services.

Next advised that John Katerba, the town historian, received a call from Lester's Memorial Funeral Home advising they have pictures & glass plates, plus a book of pictures taken from 1912-1915 with pictures of the Jamesburg Home for Boys. A gallery will be made available.

Council President Tamburro – advised he was at the Chelsea, an assisted living facility located on Forsgate Drive which was just recently taken over by new owners. They had a "Hoe Down" and residents were in costume. They honored Fire District #3 and the Jamesburg Fire Dept.

### **PUBLIC PORTION:**

Mark Klein, 53 Turnberry Dr. - commented on his tour of the new Senior Center. The auditorium seats approximately 450+ people.

He next expressed his concern about the irrigation system in Regency. Council President Tamburro asked Engineer Rasimowicz, from Feist Engineering, to look into the situation.

Gary Busman, 7 Monarch Rd. – Item #7.c. – questioned the release of performance guarantees & establishing Maintenance Guarantees for W & S at Stonebridge. Mr. Stoessler, from MTUD, stated that all obligations have been met to enable the release. A Maintenance Guarantee will need to be posted.

Tom Nothstein, 15 Nathaniel St. – asked if Item #6.b. – Ordinance accepting a donation of land known as Block 52; Lots 9, 10 & 11 by Con Amor, LLC is to satisfy a cluster agreement. Engineer Rasimowicz explained this is the Parker Homes Application along a stream corridor. It consists of approximately 13 acres and is part of the Planning Board Approval. It is adjacent to County wetlands and open space and will therefore be kept as Wetlands-Open Space.

Item #7.m. - Payment of Add'l legal fees for Garvey et als v. Twp of Monroe, asking the amount. The additional fee is \$11,000. Prior to this approval \$66,000 was approved.

Item #7.n. – Fees to Shain, Schaffer & Rafanello for State Tax Court Appeals. Administrator Hamilton explained it is an additional \$100,000 over the \$200,000 that has already been expended.

Item #7.r. – Improvements to the Schoolhouse Road triangle. Engineer Rasimowicz explained that the cost of the improvements will be the responsibility of Parker Homes.

Item #7.ff. – Emergency Award of a Professional Service Contract to Middlesex Water – Council President Tamburro explained the situation with employees out on extended sick and the need for the tier 3 & 4 licenses required by NJ DEP.

He then asked the status of the Fire Districts and Administrator Hamilton provided an update.

Phil Levy, 92 Kings Mill – Item #7.dd. – Reduction of performance guarantee for Regency Phase 8 - Recreation Facility. Complained that the Recreation Facility is way behind schedule and does not understand why their guarantees are being released. Engineer Rasimowicz explained that it is not a release but a reduction for the improvements that have been completed.

Bob Zeglarski, 62 Tournament Dr. – Item #5.a. – Ordinance for Energy Aggregation. Administrator Hamilton explained that the new law enables Municipal governments to go out on behalf of local taxpayers, both commercial and residential, to solicit bids for electric generation. Seven (7) bids have been received and are presently being reviewed. Both Administrator Hamilton & Attorney Shain have a conflict but three people are reviewing the responses and are making a recommendation for the hiring of a consultant.

Item #6.f. – Bond Ordinance for Various MTUD Water & Sewer Utility Improvements. Council President Tamburro explained that \$3.5 Million Dollars is for Well 22 Improvements. Administrator Hamilton added that \$100,000 is for a Turnpike Pump Station and another \$1million is for various other improvements.

Ciro Rubino, 97 Butcher Rd. – complained about water running onto his property because the roadway across from him is higher. He lives across from the new WAWA on Applegarth Rd. Engineer Rasimowicz told him he would call him tomorrow and set up a time to meet with him at the site.

Tom Bartley, 555 Spotswood-Englishtown Rd. – he is aware of a sewer line being brought down from Mount Mills Road across from his property and he and some of his neighbors who have failing septic systems would like to be able to tie into the line. Engineer Rasimowicz will look into the matter.

Michele Arminio, 9 Nathaniel St. – Item #6.b. – Acceptance of a donation of land – Block 52, Lots 9,10 & 11 to the Twp. She would like the word “donation” eliminated and the word “dedicated” be added to the Ordinance. Council President Tamburro stated that it will be verified as to how it was handled at the Planning Board.

Next she referenced Resolution #7.I. – Giving authorization to John Katerba, Chief Inspector for MTUD, authorization to sign applications for State, Federal, and Regional Permits for water & sewer projects. She asked if he had the qualifications and Council President Tamburro responded “yes”.

She then referenced the discussion before about people at the MTUD and the various licenses needed, asking if someone from the outside couldn't be hired. Council President Tamburro responded that there is a limited number of qualified people.

**UPON MOTION** made by Councilman Dalina and seconded by Councilman Leibowitz, the Agenda Meeting was Adjourned at 7:40pm.

ROLL CALL: Councilman Stephen Dalina	Aye
Councilwoman Leslie Koppel	Aye
Councilman Michael Leibowitz	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 adopted on September 9, 2013