

COUNCIL OF THE TOWNSHIP OF MONROE

MINUTES

REGULAR MEETING - - AUGUST 5, 2013

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

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

UPON ROLL CALL by Township Clerk, Sharon Doerfler, the following members of Council were present: 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 and Engineer Mark Rasimowicz, sitting in for Township Engineer Ernest W. Feist.

ABSENT: Councilman Stephen Dalina, Township Attorney Joel L. Shain and Township Engineer Ernest W. Feist.

There were approximately twenty-five (25) 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.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, the **CLAIMS** per run date of **7/25/2013** for the Township and MTUD were approved for payment as presented.

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the **Minutes** of the **June 24, 2013 Special & Agenda Meeting** and **July 1, 2013 Regular Meeting** were approved as written and presented.

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was moved on second read for final passage: **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.**

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

ORDINANCE as follows: (O-8-2013-012)

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring of the electricity supply market;

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") has adopted regulations governing the Implementation of government energy aggregation programs codified at N.J.A.C. 14:4-6,1 et seq.; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93,1 et seq., the Township of Monroe ("Township") seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential and commercial participants; and

WHEREAS, the Township Council intends to serve as the Lead Agency conducting a Government Energy Aggregation Program in the Township and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential and commercial customers within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to residents and commercial properties; and

WHEREAS, the Township Council will from time to time during the effective period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Township Council will act as Lead Agency of the Monroe Community Energy Aggregation ("MCEA"); and

WHEREAS, the Township Council will from time to time during the effective period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the MCEA pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

WHEREAS, the Township Council will only award contracts for electric generation services and energy aggregation services to electric power suppliers that are deemed qualified and who submit price bids lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, residential customers will be permitted the opportunity to opt-out of the Program and commercial customers will be required to opt-in should they determine to participate; and

WHEREAS, pursuant to applicable BPU regulations, the Township will enter into an Electric Distribution Company Aggregation Agreement with the local electric distribution company, Jersey Central Power and Light Company ("JCP&L"); and

WHEREAS, N.J.S.A. 48:3-93.1 et seq. requires the Program to be established by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Township Council as follows:

1. There is hereby established a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.
2. The Mayor is authorized to execute and the Township Clerk to attest to the execution of an Electric Distribution Aggregation Agreement, in a form acceptable to the Township, with JCP&L.
3. The Township Council will act as Lead Agency of the MCEA and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Township residents, and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.
4. As Lead Agency, the Mayor is authorized to execute and the Township Clerk is authorized to attest to the execution of a master performance agreement that obligates the participants in the MCEA to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the MCEA, and provided that such contract shall be at prices reasonably estimated by the Township Council to provide savings to participants relative to the price charged for basic generation service by JCP&L.
5. The authorization provided to the lead agent shall be valid until May 31, 2015 (the "Effective Period"), at which time the MCEA will be subject to renewal at the discretion of the Township Council.
6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
7. If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder shall survive in full force and effect.
8. This ordinance shall take effect upon adoption and twenty days after publication as required by law.

Council President Tamburro advised that Township Attorney Joel L. Shain has a conflict of interest regarding the Energy Aggregation for Electricity issue, therefore, Attorney Hesser McBride, with the law firm of Wilentz, Goldman & Spitzer, P.A., who specializes in Energy Aggregation, is here this evening to explain the Government Energy Aggregation for Electricity Program which permits the Municipality to aggregate all the interested users within the Municipality to participate in a group purchase program.

Attorney McBride advised that a Resolution to retain an Energy Consultant to manage the Energy Aggregation Program, was adopted at the Regular Council Meeting held on May 6th. Requests for Qualifications for licensed Energy Consultants were issued on June 26th and seven (7) Proposals were received on July 17th. A Committee evaluated the responses based upon several different criteria, including experience, ability to provide service in a timely manner, qualifications of the individuals involved in the process, understanding the nature of the services requested, the cost that the energy consultant would be charging, a familiarity with these Programs in New Jersey and NJ specific laws governing these Programs and the ability to conduct on-line and electronic auctions on behalf of a governmental entity. A scoring system was established and the highest score was given to a firm called "Gable Associates" who received a score of 87. The Evaluation Committee made a recommendation to the Council to enter into a contract for "Energy Consulting Services" with Gable Associates. The costs associated with the Energy Consultant are to be paid exclusively from the Energy Provider, assuming a successful contract is entered into. In the event there is no successful contract, there are no fees to be paid to the Energy Consultant. Success is equal to guaranteed energy savings.

Councilman Leibowitz – asked if this was open to residents as well as the Township to participate in.

Attorney McBride explained that by NJ Law, residents are automatically enrolled in the Program. They are provided with several opportunities to opt out. Commercial entities are not automatically enrolled but have the option of participating. If a resident currently has a third party supplier, and there is a contractual obligation, then that resident would not want to participate in this Program until the contractual obligation has ended.

Prior to opening the Public Hearing to Council and Public Discussion of this Ordinance, Council President Tamburro advised that Mr. Hamilton, the Township Business Administrator, also had to recuse himself due to a conflict with one of the energy suppliers. Therefore, he was not part of the Evaluation Committee.

PUBLIC HEARING:

Hy Grossman, 15 Doral Dr. - asked for a clarification on whether he must “opt-out” since he is currently being served by a utility provider. Attorney McBride again explained that Mr. Grossman would have to review his contract with the utility provider to see if there is a term on the contract and if penalties would be incurred by ending that contract early. Some contracts have specific time limits and some don't.

Charles Lerman, 11 Doral Dr. – felt confused and asked if he had the option to take this program or stay where he is presently. Attorney McBride explained the opt-in and opt-out options that will be offered. If he is currently has a contract with a thirty party supplier, he will need to check into the terms of that contract.

Robert Roche, 18 Muirfield Blvd.- asked why we are doing this program and Council President Tamburro stated to get lower energy rates for the entire Township and especially for those residents living in “all electric communities”. Mr. Roche then asked who the provider would be and Attorney McBride explained that it will be determined through a competitive bidding process. There are 40 licensed providers in NJ. The Energy Consultant will be responsible for administering the Program. Billing will not change. You will still receive one utility bill.

Charles Petretti, 4A Wingate Ct. – asked Attorney McBride to name three other towns currently participating in the Program. Attorney McBride named two participating towns and seven (7) more that are in the midst of participating.

Paul Schulhoff, 3A Hempstead Dr. – asked how people who produce electricity with solar or hydrogen will be treated under this Program. Attorney McBride explained.

Bob Zeglarski, 62 Tournament Dr. – asked if, in the future, we possibly could look at an aggregation program for gas. Council President Tamburro explained about the high number of electric users in Monroe. Also, the success with the Municipal entity rates has been saving the Township 10% of the annual billing. Zeglarski stated he has worked with “Gable” for gas aggregation for schools.

He asked if third party providers could participate in the auction and Attorney McBride responded that they could.

Michele Arminio, 9 Nathaniel St. – asked for confirmation that when a consultant is hired, their fees would be paid by the energy provider and Attorney McBride confirmed and explained further.

She next asked if there would be any additional employees needed for this Program and Attorney McBride stated that no additional employees or administrative needs would be necessary, other than normal contract needs. There will be some professional services and that will be recovered by requiring that the bidder reimburse the Municipality for those costs. The length of the contract for the consultant will be up to two years.

Next she asked how often the supplier would be evaluated and Attorney McBride stated that they would go out for bid for 12 or 24 months and the determination would be what the greater savings would be, and if it is 12 months, then it would be bid again after the 12 months.

As Councilwoman Koppel 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: **BOND ORDINANCE PROVIDING FOR VARIOUS 2013 CAPITAL IMPROVEMENTS, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,975,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,880,200 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.**

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

Copy of Ordinance Duly Filed.
O-8-2013-012

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, the following entitled Resolution was moved for adoption: **RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH AN ENERGY CONSULTANT TO ADMINISTER THE MUNICIPAL ENERGY AGGREGATION PROGRAM IN MONROE TOWNSHIP.**

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

R-8-2013-181 RESOLUTION AUTHORIZING A PROFESSIONAL SERVICE CONTRACT WITH AN ENERGY CONSULTANT TO ADMINISTER THE MUNICIPAL ENERGY AGGREGATION PROGRAM IN MONROE TOWNSHIP.

Copy of Resolution Duly Filed.

Council President Tamburro advised that Jerry Ricciardi, from JCP&L is here this evening to give a status report on the list of some 30 poles that needed to be evaluated within the township.

Jerry Ricciardi stated it's been approximately 90 days since his last appearance here and of the 30 poles needing cleanup, 20 have been taken care of and he anticipates another 5 locations will be complete this week. Progress is being made and issues are being addressed.

Council President Tamburro thanked him for getting these issues resolved in such a timely manner.

Council President Tamburro called a five (5) minute recess and the meeting was recalled to Order at 7:40pm.

Council President Tamburro announced that Attorney Marguerite Schaffer from Shain, Schaffer & Rafanello, P.C. will be sitting in for Township Attorney Joel Shain who is on vacation.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage:
ORDINANCE ACCEPTING A DEED OF CONSERVATION EASEMENT FROM FRANCIS E. PARKER MEMORIAL HOME, INC. ON LOT 4.27 IN BLOCK 52.

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

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage:
ORDINANCE PROVIDING FOR THE ACCEPTANCE OF LAND KNOWN AS BLOCK 52, LOTS 9, 10 AND 11 TO THE TOWNSHIP OF MONROE BY CON AMOR, LLC.

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

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage:
ORDINANCE ACCEPTING LANDS TO BE DEDICATED FOR PURPOSES OF STORMWATER MANAGEMENT IN THE "MONROE HUNT" RESIDENTIAL SUBDIVISION.

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

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage:
ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "LAND DEVELOPMENT".

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

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage:
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".

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

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilman Leibowitz and seconded by Councilwoman Koppel, an Ordinance of which the following is the title was introduced on first reading for final passage: **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.**

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

Copy of Ordinance Duly Filed.

Council President Tamburro noted that Item # 14.ff. under the Consent Agenda originally stated "Middlesex Water" and is now currently worded "Utility Service Affiliates, Inc.", which is a subsidiary of Middlesex Water.

UPON MOTION made by Councilman Leibowitz and seconded by Council Vice-President Miller, the following entitled **RESOLUTIONS** were moved for adoption under the **CONSENT AGENDA**, as hereinbelow set forth:

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

- 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.

REPORTS

Mayor Pucci – No Report.

Administrator Hamilton – Mentioned that he received a call this week from a resident asking why the reval notification letters would not be mailed out until after the election. He stated that this was not a political decision but clearly something that is in the NJ Division of Taxation regulations. The regulation is the NJ Division of Taxation Regulation 18:12-4.8 Standards for Revaluation 10-0 which specifically states that the notification letters cannot be mailed prior to November 10th of the pre-tax year.

Engineer Rasimowicz – No Report.

COUNCIL REPORTS

Councilman Leibowitz – stated that in the last two weeks he has attended Ceremonies for Five (5) Eagle Scouts. It is nice to know there are so many children in town rising to become Eagle Scouts.

Councilwoman Koppel – reminded everyone that tomorrow evening is “National Night Out” from 6pm-9pm. It is a great way to meet people who live and work in the community. Also, Thursdays “Music in the Park Series” continues at 6pm in Thompson Park.

Council Vice-President Miller – mentioned that he has with him the 1912 Booklet with pictures and glass plates donated by Lester’s Funeral Home, for anyone interested in viewing.

Council President Tamburro – No Report.

Public:

Hy Grossman – Asked if the town citizens would be notified adequately when it became time to implement the Energy Aggregation Program. Administrator Hamilton explained the process.

Paul Schulhoff, 3A Hempstead Dr. – Item #14.m. – Add’l fees to Shain, Schaffer & Rafanello to represent the Township in the litigation Garvey et als. vs. Twp. of Monroe. He asked if the town has insurance and Administrator Hamilton responded “yes”. He then asked why the insurance company isn’t handling the lawsuit. Administrator Hamilton responded that this particular lawsuit is a challenge to the prior collective bargaining agreements and deals specifically with the recent change in healthcare coverage. The retiree’s challenged the towns’ ability to move them from the prior healthcare plan. It is therefore not an insurance claim but a contract law.

Robert Roche, 18 Muirfield Blvd. – asked when the appraiser doing the evaluation will have the new assessments. Administrator Hamilton responded that the new assessments will be known when the Notices go out November 10th. You have between then and April 1st to appeal the process.

All 171 commercial properties in the town have been inspected.
The 56 industrial properties have been inspected.
The 5 apartment properties have been inspected.
Of the 18,032 residential properties, 14,570 have been completed which is about 81%.
Measurements have been done on 16,289 of those properties for about 91%

An anticipated completion date of all the measurements is Sept.1st . We are right on schedule for the completion of the field work.

He then asked if a resident could find out the new assessment.

Council President Tamburro stated that he was told by the Tax Assessor that they have to wait until the 10th because they do not get the numbers on appeals and reval until the end of October.

Mr. Roche next questioned Items 14.g. & 14.x. – Services by Feist Engineering, asking if there were any contracts let out to other outside engineering firms. Administrator Hamilton explained that RFQ’s for professional service contracts are done once a year. Feist Engineering’s contract still has four months until the end of the year.

Charles Petretti, 4A Wingate Ct. – asked if there was a final number on the Senior Center. Administrator Hamilton responded that there is a meeting scheduled this week with the contractor and we are beginning the close-out process.

There is a Change Order tonight for \$6,100 and there is at least one other Change Order that he is aware of and that should be it. In factoring in all Change Orders we are at 4.4%.

Mr. Petretti then questioned Item's #14.z. and 14.aa. – both MTUD system repair services & 14.ff. – Emergency contract for Utility Mgmt., asking how much more is going on at MTUD and what are the expenses or costs associated with these contracts.

Administrator Hamilton explained that when there is a system repair problem that exceeds the ability of our personnel, an outside contractor is sought. Item #14.aa. is the SCADA System which monitors all the wells and pumps.

Item #14.ff. - Council President Tamburro explained the situation regarding Mike Rogers being out on sick leave and his pending retirement. The issue is to bring in someone with the licensing i.e., PE Engineer and T-4 which covers all required licenses.

Item #14.l. - authorizing John Katerba to sign MTUD application for state, federal, regional & local permits. Council President Tamburro explained.

Mr. Petretti asked if someone was found to replace Mike Rogers and Council President Tamburro answered "no".

Administrator Hamilton stated that this is what Item #14.ff. does. The person coming in will not only be a Public Engineer but a T-4 operator which will enable us to meet the new DEP requirements.

Item #14.gg. – Tolling Agreement - Council President Tamburro explained that this is a dispute between Forsgate Country Club and the Utility Dept. Forsgate Country Club is claiming that there has been some over-billing on sewer charges and we are claiming that the charges are correct and that there is an under-billing for water usage. Rather than going into litigation, we are putting a Tolling Agreement in place.

Attorney Schaffer explained the Tolling Agreement.

Phil Levy, 92 Kings Mill Rd. – stated two months ago he received a Notice that turning lanes were approved by Middlesex County at the entrance to Country Club Drive & Championship Way and asked if there was a completion date.

Engineer Rasimowicz stated that there are one or two properties in between the two gates on Spotswood-Englishtown Rd. and the County has yet to finalize the right-of-way. Once that is finalized, Toll Bros. will proceed with the re-striping at both entrances.

Mr. Levy next explained that the exit on Championship Way onto Route #613 is dangerous and the speed limit is 50 mph. Engineer Rasimowicz will ask Middlesex County to look into the possibility of reducing the speed limit.

Michele Arminio, 9 Nathaniel Way – Item #14.g. – Professional Services with Feist Engineering for various 2013 Capital Projects. She asked the cost and Administrator Hamilton advised \$325,000. She then asked if all projects are completed and Administrator Hamilton explained how these projects are contracted at the beginning of the year.

Item #14.q. – Extraordinary Litigation for Shain, Schaffer & Rafanello, P.C. for condemnation & property acquisitions. She asked the amount and Council President Tamburro responded \$7,500.

Item #14.m. - Extraordinary Litigation for Shain, Schaffer & Rafanello, P.C. for Garvey vs. Twp. of Monroe. She asked the amount and was told \$11,000 with a prior approval of \$66,000. She asked if there is an end in sight and Attorney Schaffer explained that this is a renewed litigation or a Phase 2 of the original.

Item #14.x. – Feist Engineering to prepare plans for various 2013 Capital Projects. She asked the cost and Administrator Hamilton explained there is no cost but ties into Item #14.g. which she previously questioned.

George Gunkelman, 5 Kelly Ct. – questioned Item #13 - Bond Ordinance for various 2013 Water & Sewer Utility Improvements and Administrator Hamilton explained the process.

He then commented about the exterior maintenance of the Post Office and how it has deteriorated, asking if there is someone to file a complaint with. Council President Tamburro stated that we would follow up with the Postmaster.

Robert Zeglarski, 162 Tournament Dr. – wanted a clarification of the \$5.2 million dollar bond appropriation which was explained by Administrator Hamilton.

UPON MOTION made by Councilman Koppel and seconded by Councilman Leibowitz, the meeting was Adjourned at 8:15pm.

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

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes were adopted on September 9, 2013