

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
REGULAR MEETING - - NOVEMBER 8, 2010

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. He asked that, in observance of Veterans Day on Thursday, November 11th, please stand for a moment of remembrance for those who fought for our country and for those who gave the ultimate sacrifice. He then asked for everyone to join in a Salute to the Flag.

UPON ROLL CALL by Township Clerk, Sharon Doerfler, 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 Mark Rasimowicz, sitting in for Township Engineer Ernest W. Feist.

There were approximately fifty (50) 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 8, 2010 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 8, 2010;
3. Posted on January 8, 2010 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.

A presentation was made by both Mayor Pucci and John Riggs, Chairman of the Environmental Commission, to Gabrielle Ballotta, a 6th grade student of Oak Tree School, winner of the Green Fair Logo Contest for the town's first "Green Fair" in which over 2000 people attended.

UPON MOTION made by Councilman Nalitt and seconded by Councilwoman Koppel, the **CLAIMS** per run date **10/27/10 (M.T.U.D.)** and **(TWP)** were approved for payment as presented.

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 Leibowitz and seconded by Councilwoman Koppel, the **MINUTES** of the **September 13, 2010 Regular Meeting**, the **September 27, 2010 Agenda Meeting** and the **October 4, 2010 Regular Meeting** were approved as written and presented.

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 Councilwoman Koppel, the **MINUTES** of the **October 25, 2010 Agenda Meeting** was approved as written and presented.

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

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Nalitt, an Ordinance of which the following is the title was moved on second reading for final passage: **ORDINANCE ACCEPTING CONVEYANCE OF DEED OF EASEMENT FROM 1470 PERRINEVILLE ROAD ASSOCIATES, LLC.**

ORDINANCE as follows: (O-11-2010-022)

WHEREAS, 1470 Perrineville Road Associates, LLC, a New Jersey Limited Liability Company with offices at 1470 Perrineville Road, Monroe Township, New Jersey 08831, is the owner of the premises designated as Lot 9.03 in Block 17, as shown on the Tax Map of the Township of Monroe, County of Middlesex and State of New Jersey; and

WHEREAS, as a condition of the approval of the site plan granted by the Planning Board of the Township of Monroe on May 27, 2007, the owner was required to provide certain conservation and drainage rights to the Township of Monroe by Deed of Easement; and

WHEREAS, the Council believes that accepting these conservation and drainage rights is in the public interest; and

WHEREAS, the Township Engineer and Township Counsel have reviewed the proposed Deed of Easement and find it satisfactory in form and content.

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

Section 1. The Mayor and Township Clerk are hereby authorized to accept the Deed of Easement relating to Lot 9.03, Block 17 in the form attached as Exhibit A.

Section 2. All ordinances or parts of ordinances inconsistent herewith 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 of this Ordinance.

There was no Public discussion of this Ordinance.

As Councilwoman Koppel and Councilman Nalitt regularly moved and seconded the adoption, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:
ORDINANCE ACCEPTING CONVEYANCE OF DEED OF EASEMENT FROM 1470 PERRINEVILLE ROAD ASSOCIATES, LLC.

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-11-2010-022

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Nalitt, an Ordinance of which the following is the title was introduced on first reading for final passage:
ORDINANCE PROVIDING FOR THE ACQUISITION OF AN EASEMENT ON A CERTAIN PARCEL OF LAND IDENTIFIED AS BLOCK 169.23, LOT 2 ON THE TAX MAP OF MONROE TOWNSHIP.

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.

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 CHAPTER 33 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "DOGS, CATS AND OTHER ANIMALS".

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

UPON MOTION made by Councilman Nalitt 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 ACQUISITION OF A CERTAIN PARCEL OF LAND IDENTIFIED AS BLOCK 27.02, LOT 19.03 ON THE TAX MAP OF MONROE TOWNSHIP.

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

UPON MOTION made by Councilwoman Koppel and seconded by Councilman Nalitt, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE PROVIDING FOR THE ACQUISITION OF A CERTAIN PARCEL OF LAND IDENTIFIED AS BLOCK 169, LOTS 10, 11.03 AND 12.01 ON THE TAX MAP OF MONROE TOWNSHIP.**

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Nalitt, an Ordinance of which the following is the title was introduced on first reading for final passage: **BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-7-2008-009 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON JULY 7, 2008 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PRESERVATION PURPOSES, A LAWFUL PUBLIC PURPOSE, BY AND IN THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$6,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,710,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", AS AMENDED BY BOND ORDINANCE NUMBER O-3-2009-007 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL ON MARCH 30, 2009, TO AMEND THE DESCRIPTION SET FORTH THEREIN.**

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

UPON MOTION made by Councilman Leibowitz and seconded by Councilman Nalitt, an Ordinance of which the following is the title was introduced on first reading for final passage: **ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PORTIONS OF PARCELS OF LAND IDENTIFIED AS BLOCK 36, LOT 14 AND AS BLOCK 54, LOT 4 ON THE TAX MAP OF THE TOWNSHIP OF MONROE.**

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

UPON MOTION made by Councilman Nalitt and seconded by Councilwoman Koppel, the following entitled **RESOLUTIONS** were adopted under the **CONSENT AGENDA**, as hereinbelow set forth:

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 as follows:

- R-11-2010-332** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE – PHASE 7 – SECTION 7A.
- R-11-2010-333** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR REGENCY AT MONROE – PHASE 7 – SECTIONS 7E-1 & 7E-2.
- R-11-2010-334** RESOLUTION AUTHORIZING AWARD OF BID FOR MONROE TOWNSHIP MUNICIPAL BUILDING – ENERGY EFFICIENT LIGHTING IMPROVEMENTS. (Bid Award to Starlite Electric, LLC - \$153,252.75).
- R-11-2010-335** RESOLUTION AUTHORIZING THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) TO PREPARE SPECIFICATIONS AND ADVERTISE FOR THE RECEIPT OF BIDS FOR VARIOUS GOODS AND SERVICES.
- R-11-2010-336** RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L.1948) NJ Div. of Criminal Justice Award in the amt. of \$4,363.50 under the 2010 Body Armor Replacement Fund Program
- R-11-2010-337** RESOLUTION REFUNDING THIRD PARTY TAX LIEN PAYMENTS.
- R-11-2010-338** RESOLUTION AUTHORIZING SHAIN, SCHAFFER, & RAFANELLO, P.C. TO HANDLE THE MATTER OF CLIFFORD BURRY v. THE TOWNSHIP OF MONROE, ET ALS. AS EXTRAORDINARY LITIGATION.
- R-11-2010-339** RESOLUTION AUTHORIZING THE RELEASE OF CASH MAINTENANCE GUARANTEE POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) FOR ON-SITE WATER AND SEWER AND OFF-SITE SEWERS W&S 768 – GOLF VIEW ESTATES, PB-769-01-BLK 66, LOT 1.
- R-11-2010-340** RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE GUARANTEE POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”) FOR ON-SITE WATER AND SEWER AND OFF-SITE SEWERS W&S 829 – DAVID ESTATES, PB-813-02 – BLK 15, LOT 9.04.
- R-11-2010-341** RESOLUTION AUTHORIZING MODIFICATION OF A FAIR AND OPEN CONTRACT WITH BIRDSALL SERVICES GROUP FOR ADDITIONAL SURVEYING COSTS RELATED TO THE FOREST PARK TERRACE SEWER REPLACEMENT FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
- R-11-2010-342** RESOLUTION REFUNDING TAX OVERPAYMENTS.
- R-11-2010-343** RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET. (Cultural Arts Commission)
- R-11-2010-344** RESOLUTION AUTHORIZING A MODIFICATION TO A NON FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO EPIC MANAGEMENT, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE MONROE TOWNSHIP COMMUNITY CENTER EXPANSION PROJECT.
- R-11-2010-345** RESOLUTION AUTHORIZING A MODIFICATION TO A NON FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT AWARDED TO MJ BARONE & ASSOCIATES, P.C. FOR ARCHITECTURAL SERVICES RELATED TO THE MONROE TOWNSHIP COMMUNITY CENTER EXPANSION PROJECT.
- R-11-2010-346** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEES FOR BEN FRANKLIN – BLOCK 39; LOT 1.3.

**R-11-2010-347 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
GUARANTEES AND ESTABLISHING MAINTENANCE GUARANTEES
FOR BEN FRANKLIN – UNION HILL ROAD IMPROVEMENTS.**

R-11-2010-348 RESOLUTION AUTHORIZING BUDGET TRANSFERS.

Mayor – Complimented the Council, Administrator Hamilton, Council President Tamburro and Councilman Leibowitz for all their efforts in putting together the Special Meeting held on November 6th honoring Lance Cpl. Colin Pascik, an injured Marine who lives in Monroe. He also commended the efforts within the Township for the outstanding donations and all the community support.

Administrator – Responded to a question from the last meeting regarding Item #14 - Bond Ordinance for Open Space Preservation purposes. This particular Ordinance is just amending the description - changing some properties that are eligible under this ordinance. The balance remaining in this ordinance is 2.6 million dollars of the original 6 million funded. Also, the open space trust balance is 4 million dollars.

Engineer Rasimowicz – No Report.

COUNCIL:

Councilwoman Koppel – No Report.

Councilman Leibowitz – announced that there will be a fund raiser for Colin Pascik at Ryan's Pub on November 30th. There is also scheduled a Spaghetti dinner @ Waterside Villas on November 16th. There is also a second date and that can be checked on the Township's Website. He also thanked the Mayor & Administrator for their offer of a job in the Township to Colin.

Councilman Nalitt – No Report.

Councilman Miller – was sorry he missed the Special Meeting for Colin Pascik on November 6th. He advised that the Historic Commission is having a meeting downstairs tonight and they are in the process of taking inventory of all that the Commission has acquired. Presently they have acquired three bells with the possibility of acquiring a 4th from the County. They want the bells for the schoolhouse that will be put together in the exact replica from when it was built in the 1870's. He also requested contributions of anything of a historic value.

Council President Tamburro mentioned that elections were held last week and thanked the Clerk's office for their fine job.

He also touched upon the tribute to Colin Pascik on Saturday.

On Veteran's Day, Nov. 11th, there will be a wreath laying at 9:15am at the Triangle @ Monmouth & Spotswood Englishtown Roads. At 10am there will be a ceremony at Veterans Park & Avenue K. The drive going into the Park will be dedicated to WWII Veteran Warren Southworth who was killed during the war and whose body was never found.

PUBLIC:

Steve Gorbe, 113 Gravel Hill Spotswood Rd. – expressed his opinion on the circumstances involving Chief Gasiorowski of Fire Dist. # 3, his hiring, his benefits and his non-attendance on a great majority of fire calls.

Rudy Chorborda, 26 Nelson Ave. – asked the status of the water situation on his street. Engineer Rasimowicz advised he has spoken with the contractor today and they met with neighboring residents with regards to an easement. There have been some issues in acquiring the easement. He will be meeting with the contractor later this week to look for alternatives. Communication has begun with JCP&L.

Council President Tamburro asked how the situation can be expedited and Engineer Rasimowicz explained that they have met with many issues, including pulling the Bond. The contractor has stepped up to take responsibility. If things stall, the town should go after the Bond. Council President Tamburro would like to be advised after the meeting with the contractor and hopefully by the Agenda Meeting next month, that there will be more progress. Councilman Leibowitz asked to be included in that meeting.

Darren Kutz, Bucklew Ave. – asked about the new Master Plan Draft that is out. Council President Tamburro advised Mr. Kutz that the Council has not yet seen it and that it's by action of the Planning Board, which is meeting on November 23rd. The document has been out since the last Planning Board Meeting for public review. Any comments should be directed to the Planning Board.

Mr. Kutz believes that by the time the recommendations have reached the Planning Board decisions have already been made.

Council President Tamburro once again advised that all questions and concerns must be directed to the Planning Board.

Councilwoman Koppel suggested to Mr. Kutz that he write down and submit his concerns to the Master Plan Committee so they might be able to review them prior to the Planning Board Meeting.

Mayor Pucci added that to eliminate any confusion, the Master Plan would not be adopted that evening if there is not a 100% comfort level by everyone. What generally happens is, everyone will be heard from and afterwards all information will be reviewed and perhaps have additional meetings before it comes up again.

David Saxe, 119 Valencia Dr. - asked the status of the sidewalks between Route 33 and Twin Rivers, and stated that there is a petition out from Monroe Manor residents for sidewalks to the commuter bus on Route 33. He expressed the importance of sidewalks this time of year, especially when walking on the highway at night towards the traffic.

Council President Tamburro explained that Engineer Feist had commented at the last meeting that when talking with DOT regarding engineering for that lane, he would address the need for a sidewalk.

Jason Clifford, 1 Jessica Drive, Monroe Manor - President of the Board of Association of Monroe Manor – wondered who would be responsible for salting and if someone falls. Would this be DOT's responsibility?

Council President Tamburro said he was unsure who would be responsible. Perhaps it would be the responsibility of whoever owns the property. (Renaissance or Monroe Manor) He was not sure of the technicalities.

Michelle Arminio, 9 Nathaniel St. – according to the Open Public Meetings Act anyone can speak on any subject matter. She then quoted a legal court decision on time limitations. Therefore, if anyone wishes to comment on the re-zoning at the corner of Buckelew Ave and Schoolhouse Road, they should be permitted. Two Council people along with the Mayor sit on the Planning Board and are aware of the New Preliminary Master Plan. She feels this is just the beginning of having all of Route 522 re-zoned and becoming commercial. She would like to ask the Council and the two members on the Master Plan Committee to remove the neighborhood commercial zone from the Schoolhouse Rd/Buckelew Ave Master Plan.

Mike Costello, Garvey Dr. – believes the corner should be commercial due to the surrounding properties.

Tom Nothstein, 15 Nathaniel St. – explained that he has been fighting against a commercial zone on that corner since 2004. A lot of money has been spent fighting the Zoning Board denial of a variance on that property. This money will be wasted if we agree to Commercial Zoning at that corner.

Vince LaViola, Geraldine Dr. – moved from Edison to Monroe. He likes farmland, safety and a blue ribbon school that we have in this town, not "strip malls".

Bob Roche, 18 Muirfield Blvd. – spoke on the equalization rate that has changed in the township. It has gone up from 47% to 53%. The true market value of homes in the Township are not assessed properly. Has consideration been given for a Township wide reassessment?

Mayor Pucci commented on the situation.

Mark Klein, Regency - attended the Affordable Housing Board meeting in which a developer was discussing putting in 100 rental units that would only pay the municipality \$71,000 and nothing being paid to the Board of Education. He is tired of hearing what the state mandates.

Mayor Pucci commented that today in the Assembly Committee on Affordable Housing – COAH is going to be eliminated but there will be regulations as to the policies that must be followed in communities. Having no rentals throws us into a particular formula. At present we do not know what this is going to mean for our community.

John Misko, 372 Schoolhouse Rd. – is opposed to the commercial zone. He moved from Carteret and now the re-zoning will be in his backyard. He asked that the Township please take the re-zoning into careful consideration as to the safety impact, drugs and environment.

Mike Manfre, 50 Crenshaw – Lives within the Devonshire Community which consists of 66 other homes and expressed great concern regarding the re-zoning.

UPON MOTION made by Councilman Nalitt and seconded by Councilman Leibowitz the Meeting was Adjourned at 8:50pm.

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

SHARON DOERFLER, Township Clerk

GERALD W. TAMBURRO, Council President

Minutes adopted on _____