

**** The public will be able to view this meeting via the following YouTube link: https://youtu.be/yWPRO_13d4w**

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

**COMBINED AGENDA AND REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

NOVEMBER 2, 2022

AGENDA

1. Agenda Meeting Called to Order. (6:30 p.m.)

2. Salute to the Flag.

3. **ROLL CALL:**

Councilman Charles Dipierro
Councilwoman Elizabeth Schneider
Councilwoman Rupa P. Siegel
Council Vice President Terence Van Dzura
Council President Miriam Cohen

4. Council President Cohen to request the **SUNSHINE LAW** be read into the record.

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

1. Posted on the Bulletin Boards within the Municipal Building on December 29, 2021 and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and noticed to the **CRANBURY PRESS** on December 30, 2021;
3. Posted on the Monroe Township website; and
4. Sent to those individuals who have requested personal notice.

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

5. **PROCLAMATIONS/PRESENTATIONS:**

*National Alzheimer's Awareness Month – November 2022
Presented to Gina Dipierro, Executive Assistant at Monroe Village*

6. **ORDINANCE(S)** for **SECOND READING** at the November 2, 2022 Regular Meeting:

O-10-2022-021 **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".**
(Road Opening Permit application fee increased to \$150)

O-10-2022-022 **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE TO ADD ARTICLE 17 ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT" TO ALIGN WITH STATE REQUIREMENTS FOR ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.**
(Codifying new State Law)

7. **ORDINANCE(S)** for **INTRODUCTION** at the November 2, 2022 Regular Meeting:

O-11-2022-023 **ORDINANCE AUTHORIZING THE ACCEPTANCE FROM 94 UNION VALLEY ROAD, LLC OF A CONSERVATION EASEMENT CONCERNING PROPERTY AT LOT 7, BLOCK 18 AND A ROAD WIDENING DEED CONCERNING PORTIONS OF PROPERTY AT LOTS 7.01 AND 7.02, BLOCK 18.**

O-11-2022-024 **ORDINANCE AUTHORIZING THE LEASE OF PROPERTY AT BLOCK 41, LOT 14.02 IN THE TOWNSHIP TO FACILITATE THE PROVISION OF AFFORDABLE RENTAL HOUSING AND THE EXECUTION OF AN OPTION TO LEASE.**
(Veteran's Housing Project – Cranbury Half Acre Rd.)

8. **RESOLUTIONS** for **CONSIDERATION** under **CONSENT AGENDA** at the November 2, 2022 Regular Meeting: (R-11-2022-260– R-11-2022-279)

R-11-2022-260 **RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 AND FINAL SUBMITTED BY S & G PAVING, INC. IN CONNECTION WITH THE COSTCO DRIVE ROADWAY IMPROVEMENTS PROJECT.** (Increase of \$6,310.27)

R-11-2022-261 **RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR STRATFORD AT MONROE, SECTION 3 – PB-997-06.** (Halsey Reed Rd)

R-11-2022-262 **RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH JAMESBURG PRESS FOR MONROE TOWNSHIP PRINTING SERVICES (GROUPS A & B).** (1 year extension)

R-11-2022-263 **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED BY BRENNAN BROTHERS CONTRACTING, LLC. UPON THE POSTING OF A MAINTENANCE GUARANTEE IN CONNECTION WITH THE 2021 BUILDING DEMOLITION PROJECT.**

R-11-2022-264 **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND.** (Removal of 54 Ash trees - \$19,345.00)

R-11-2022-265 **RESOLUTION AUTHORIZING THE PURCHASE OF AN LAI 1600 GALLON CAPACITY ANTI-ICE SYSTEM WITH LEG FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.** (\$21,547.50)

R-11-2022-266 **RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES FOR W&S 1168.1 VILLAGES @ COUNTRYVIEW - PHASE 1 – PB-1213-18 POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**
(Spotswood-Englishtown Rd & Buckelew Ave)

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R-11-2022-269 **RESOLUTION AUTHORIZING THE AWARD OF BID TO DOWN TO EARTH LANDSCAPING FOR MONROE TOWNSHIP TREE PLANTING SERVICES.** (11/1/22 – 12/31/24)

R-11-2022-270 **RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**

R-11-2022-271 **RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.**

- R-11-2022-272 RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 162, LOT 69.**

- R-11-2022-273 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR RIVERSIDE CENTER, LLC – PB-1189-16.
 (Farrington Blvd.)**

- R-11-2022-274 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR RIVERSIDE CENTER, LLC – PB-699-00.
 (Farrington Blvd.)**

- R-11-2022-275 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR M & R WAREHOUSING, INC. – PB-1088-10. (Possum Hollow Rd)**

- R-11-2022-276 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED FOR STONEBRIDGE – PHASE 1, SECTION 1 PB-906-04. (Federal Rd.)**

- R-11-2022-277 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PAYMENTS IN LIEU OF TAXES WITH MONROE VETERAN’S URBAN RENEWAL ASSOCIATES, LLC IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY. (Veteran’s Housing Project – Cranbury Half Acre Rd.)**

- R-11-2022-278 RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A REGULATORY AND OPERATING AGREEMENT WITH MONROE VETERAN’S URBAN RENEWAL ASSOCIATES, LLC CONCERNING THE OPERATION OF A 100% AFFORDABLE RENTAL PROJECT.
 (Veteran’s Housing Project – Cranbury Half Acre Rd.)**

- R-11-2022-279 RESOLUTION AWARDED AN EMERGENCY CONTRACT TO S&G PAVING, INC. FOR EMERGENCY ROADWAY REPAIRS AT THE INTERSECTION OF MATCHAPONIX, PERGOLA, AND SPOTSWOOD-GRAVEL HILL ROADS (CR 612)
 (\$59,542.68)**

9. Public Comments. (Limited to **Agenda items only** - 5 Minutes per Speaker)

OPEN: MOTION: _____ SECOND: _____
 CLOSE: MOTION: _____ SECOND: _____

10. Agenda Meeting Adjournment.

Time: _____

MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

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

**REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

NOVEMBER 2, 2022

AGENDA

1. **REGULAR MEETING CALLED TO ORDER:** Time: _____

MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

2. **MOTION** to approve the payment of **CLAIMS** per run date **OCTOBER 26, 2022**.

MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

3. **APPROVAL OF MINUTES:**

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

November 4, 2020 - Executive Session

MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

April 5, 2021 - Executive Session

MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

October 3, 2022 - Agenda and Regular Combined Meeting

MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

4. **ORDINANCE(S)** for **SECOND READING:**

**O-10-2022-021 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF
THE TOWNSHIP OF MONROE ENTITLED, "FEES".
(Road Opening Permit application fee increased to \$150)**

PUBLIC HEARING OPEN: MOTION: _____ SECOND: _____

PUBLIC HEARING CLOSE: MOTION: _____ SECOND: _____

ADOPTION: MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

O-10-2022-022 **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE TO ADD ARTICLE 17 ENTITLED “ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT” TO ALIGN WITH STATE REQUIREMENTS FOR ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.**
(Codifying new State Law)

PUBLIC HEARING OPEN: MOTION: _____ SECOND: _____

PUBLIC HEARING CLOSE: MOTION: _____ SECOND: _____

ADOPTION: MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

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

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MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

O-11-2022-024 **ORDINANCE AUTHORIZING THE LEASE OF PROPERTY AT BLOCK 41, LOT 14.02 IN THE TOWNSHIP TO FACILITATE THE PROVISION OF AFFORDABLE RENTAL HOUSING AND THE EXECUTION OF AN OPTION TO LEASE.**
(Veteran’s Housing Project – Cranbury Half Acre Rd.)

MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

6. **RESOLUTIONS for CONSIDERATION under the CONSENT AGENDA:** (R-11-2022-260 – R-11-2022-279)

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MOTION: _____ SECOND: _____

ROLL CALL: Ayes _____ Nays _____

- 7. **RESOLUTIONS removed** from consent agenda for **CONSIDERATION (if needed)**.
MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

- 8. **Administrator’s Report.**

- 9. **Engineer’s Report.**

- 10. **Council’s Reports.**

- 11. **Mayor’s Report.**

- 12. **Public Comments.** (5 Minutes per Speaker)
OPEN: MOTION: _____ SECOND: _____
CLOSE: MOTION: _____ SECOND: _____

- 13. **Adjournment.** MOTION: _____ SECOND: _____
Time: _____

TOWNSHIP OF MONROE
COUNCIL MEETING MINUTES
MEETING OF THE MONROE TOWNSHIP COUNCIL – November 2, 2022

The Council of the Township of Monroe met at the Monroe Township Municipal Building, 1 Municipal Plaza, for a Combined Agenda/Regular Meeting.

The Combined Agenda/Regular Meeting was Called to Order at 6:30 p.m. by Council President Miriam Cohen with a Salute to the Flag.

UPON ROLL CALL by the Township Clerk, Patricia Reid, the following members of Council were present: Councilman Charles Dipierro, Councilwoman Elizabeth Schneider, Councilwoman Rupa P. Siegel, Council Vice-President Terence Van Dzura, and Council President Miriam Cohen.

ALSO, PRESENT: Mayor Stephen Dalina, Business Administrator Alan M. Weinberg, Assistant Business Administrator Kevin McGowan, Township Attorney Lou Rainone, Utility Director Joseph Stroin, Engineer Mark Rasimowicz and Deputy Clerk Christine Robbins.

There were approximately eighteen (18) members of the Public in attendance.

Township Clerk Patricia Reid 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 has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on December 29, 2021 and remains posted at that location for public inspection.
2. Printed in the **HOME NEWS TRIBUNE** and noticed to the **CRANBURY PRESS** on December 30, 2021;
3. Posted on the Monroe Township website; and
4. Sent to those individuals who have requested personal notice.

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

Mayor Dalina presented Gina Dipierro, Executive Assistant at Monroe Village with a Proclamation recognizing November as National Alzheimer's Awareness Month; he went on to commend her for taking a lead with this and urged all to continue to share stories with those affected and their families. Mrs. Dipierro thanked Mayor Dalina and shared that Alzheimer's is the leading cause of death with someone being diagnosed with this incurable disease every 66 seconds. She went on to thank Mayor Dalina for his recognition and support and stated that she looks forward to continuing working with him to help spread awareness.

Township Clerk Patricia Reid read the following entitled **ORDINANCES** for **SECOND READING** at the **WEDNESDAY, NOVEMBER 2, 2022** Regular Council Meeting:

- | | |
|----------------------|--|
| O-10-2022-021 | ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".
(Road Opening Permit application fee increased to \$150) |
| O-10-2022-022 | ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE TO ADD ARTICLE 17 ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT" TO ALIGN WITH STATE REQUIREMENTS FOR ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.
(Codifying new State Law) |

Township Clerk Patricia Reid read the following entitled **ORDINANCES** for **INTRODUCTION** at the **WEDNESDAY, NOVEMBER 2, 2022** Regular Council Meeting:

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(Veteran’s Housing Project – Cranbury Half Acre Rd.)

Council President Cohen read the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **WEDNESDAY, NOVEMBER 2, 2022** Regular Council Meeting: (R-11-2022-260– R-11-2022-279)

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(\$59,542.68)

Councilman Dipierro requested Resolutions R-11-2022-260, R-11-2022-261, R-11-2022-262, R-11-2022-264, R-11-2022-268, R-11-2022-275 and R-11-2022-279 to be considered separately.

UPON MOTION made by Councilwoman Schneider and seconded by Councilwoman Siegel, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

Public Comments:

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman asked for clarification on O-11-2022-024; Attorney Rainone answered that this is for the 100% Veteran’s Housing Project as the Township is leasing the land to the developer of this project. Mr. Gunkelman asked for further clarification to which Administrator Weinberg explained that the Township owns the land which was received from a previous project and the ordinance is to ensure that we demonstrate site control to the developer which is standard process. Mr. Gunkelman asked how long the lease is; Administrator Weinberg answered that it is for 99 years and done in 5-year increments.

Mr. Gunkelman asked for an explanation on R-11-2022-265; Administrator Weinberg answered that we currently own a 500-gallon brine tank and this resolution is for the purchase of a 1,600-gallon tank with a leg so it can be installed onto the existing truck and switch from a salter to a briner.

Mr. Gunkelman asked, in reference to R-11-2022-272 what is being rehabilitated and what is being released; Administrator Weinberg explained that this is done for those who applied and were approved for our affordable housing rehabilitation program where the terms require a 10-year lien to be placed on the property which is then discharged after the 10 years lapses. The affordable housing rehabilitation program brings the property up to code for those who are income qualified.

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Schneider, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilwoman Siegel and seconded by Councilwoman Schneider, the Agenda Meeting was Adjourned at 6:45pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the Regular Meeting was Called to Order at 6:45pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **CLAIMS** per run date of **10/26/2022** were approved for payment as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Abstain
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Abstain

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Schneider, the **MINUTES** of the **November 4, 2020 Executive Session** were approved as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Abstain
	Council Vice-President Terence Van Dzura	Abstain
	Council President Miriam Cohen	Aye

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Schneider, the **MINUTES** of the **April 5, 2021 Executive Session** were approved as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Abstain
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Van Dzura, the **MINUTES** of the **October 3, 2022 Agenda and Regular Combined Meeting** were approved as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON ACTION made by the Council the following Ordinance was **moved on SECOND READING for FINAL ADOPTION** as follows:

O-10-2022-021 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".
(Road Opening Permit application fee increased to \$150)

BE IT ORDAINED by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 39 of the Code of the Township of Monroe is hereby amended as follows: (new text is in **red and underlined**, text to be deleted is ~~struck~~)

SECTION 1.

CHAPTER 39 FEES

§ 39-3. Fees enumerated.

B. Licenses and permits from Township Clerk's office.

[Amended 12-17-07 by Ord. No. O-12-2007-049; 12-1-08 by Ord. No. O-12-2008-031; 11-30-09 by Ord. No. 0-11-2009-036; 8-30-10 by Ord. No. 0-08-2010-019; 3-7-11 by Ord. No. O-3-2011-005; 12-28-12 by Ord. No. O-12-2012-039; 4-4-16 by Ord. No. O-2-2016-003]

(11) Chapter 105, Streets and Sidewalks.

(a) Application fee for street excavations/road opening: ~~\$50~~ **\$150**

[Amended 12-27-17 by Ord. No. O-12-2017-027]

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 twenty days after final passage, adoption and publication as provided by law.

SO ORDAINED, as aforesaid.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **PUBLIC HEARING for Ordinance O-10-2022-021** was **opened**. All were in favor, none opposed.

PUBLIC COMMENT:

No Public Comment.

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Van Dzura, the **PUBLIC HEARING for Ordinance O-10-2022-021** was **closed**. All were in favor, none opposed.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilman Dipierro, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-10-2022-021 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED, "FEES".
(Road Opening Permit application fee increased to \$150)

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON ACTION made by the Council the following Ordinance was **moved on SECOND READING for FINAL ADOPTION** as follows:

O-10-2022-022 ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE TO ADD ARTICLE 17 ENTITLED “ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT” TO ALIGN WITH STATE REQUIREMENTS FOR ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.
(Codifying new State Law)

WHEREAS, This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Township of Monroe; and

WHEREAS, P.L. 2021, c.171, signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 108 of the Code of the Township of Monroe is hereby amended to include a new Article 17, as follows:

§ 108-17.1: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

B. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section C. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The zoning officer and/or Township Engineer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Monroe Township's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the administrative officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

C. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:

- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
- b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
- c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

D. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces.
2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section C. above may be encouraged, but shall not be required in development projects.

D. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 10 feet wide or 20 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
 - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to penalties as described in Section 122-4 of the Township Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
 - d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Monroe Township's ordinances and regulations.
- c. Concrete-filled steel bollards shall be used for publicly-accessible EVSE for adequate protection. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Monroe Township shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

- a. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and in effect; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO, ORDAINED as aforesaid.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **PUBLIC HEARING for Ordinance O-10-2022-022** was **opened**. All were in favor, none opposed.
PUBLIC COMMENT:

No Public Comment.

UPON MOTION made by Councilwoman Schneider and seconded by Council Vice-President Van Dzura, the **PUBLIC HEARING for Ordinance O-10-2022-022** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Van Dzura, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-10-2022-022 **ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE TO ADD ARTICLE 17 ENTITLED “ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT” TO ALIGN WITH STATE REQUIREMENTS FOR ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES.**
(Codifying new State Law)

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-10-2022-022

UPON MOTION made by Councilwoman Siegel and seconded by Council Vice-President Van Dzura, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-11-2022-023 **ORDINANCE AUTHORIZING THE ACCEPTANCE FROM 94 UNION VALLEY ROAD, LLC OF A CONSERVATION EASEMENT CONCERNING PROPERTY AT LOT 7, BLOCK 18 AND A ROAD WIDENING DEED CONCERNING PORTIONS OF PROPERTY AT LOTS 7.01 AND 7.02, BLOCK 18.**

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Council Vice-President Vana Dzura and seconded by Councilman Dipierro an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-11-2022-024 **ORDINANCE AUTHORIZING THE LEASE OF PROPERTY AT BLOCK 41, LOT 14.02 IN THE TOWNSHIP TO FACILITATE THE PROVISION OF AFFORDABLE RENTAL HOUSING AND THE EXECUTION OF AN OPTION TO LEASE.**
(Veteran’s Housing Project – Cranbury Half Acre Rd.)

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the following Resolutions were moved for Adoption under the **CONSENT AGENDA:** (R-11-2022-260 – R-11-2022-279 with the exception of R-11-2022-260, R-11-2022-261, R-11-2022-262, R-11-2022-264, R-11-2022-268, R-11-2022-275 and R-11-2022-279 which will be voted upon separately).

R-11-2022-263 RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES POSTED BY BRENNAN BROTHERS CONTRACTING, LLC. UPON THE POSTING OF A MAINTENANCE GUARANTEE IN CONNECTION WITH THE 2021 BUILDING DEMOLITION PROJECT.

WHEREAS, Brennan Brothers Contracting, LLC. has posted Performance Guarantees for the 2021 Building Demolition, Various Locations, Project; and

WHEREAS, Brennan Brothers Contracting, LLC. has requested a release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer, by copy of letter dated October 14, 2022, has recommended, release of the Performance Guarantees; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendations of the Township Engineer;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted for the 2021 Building Demolition, Various Locations, Project, be released as reflected in the Township Engineer's letter dated October 14, 2022, attached hereto. This approval for release of the Performance Guarantees is conditioned upon the posting of a maintenance guarantee in the amount of **\$23,575.66**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

SO RESOLVED, as aforesaid.

R-11-2022-265 RESOLUTION AUTHORIZING THE PURCHASE OF AN LAI 1600 GALLON CAPACITY ANTI-ICE SYSTEM WITH LEG FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$21,547.50)

WHEREAS, the Monroe Township Department of Public Works has the need to purchase a LAI 1600 gallon capacity Anti-ice System with leg stand that is to be installed on an existing International Class 8 Dump Truck; and

WHEREAS, the State Approved Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) has awarded a contract to the vendor TRIUS, Inc., contract number ESCNJ 20/21-55.; and

WHEREAS, the price of the LAI 1600 gallon capacity Anti-ice System with leg stand including installation is **\$21,547.50**; and

WHEREAS, it is required by law that any "state contract" purchase which exceeds the bid threshold of the Township (\$40,000.00) in aggregate, be authorized by the governing body; and

WHEREAS, the total amount for this equipment exceeds the Township's bid threshold in aggregate; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Financial Officer has certified availability of funds in Certificate No. C-2200066 copy of which is attached hereto as Exhibit "A"; and

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

(1) Authorizes the Purchasing Agent to purchase this equipment from TRIUS, Inc. using the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program contract 20/21-55; and

(2) The Township Chief Financial Officer is hereby authorized and directed to pay invoices for said purchases delivered by TRIUS Inc., respectively; and

(3) The contracts are awarded through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) are considered fair and open contract in accordance with the Local Public Contracts Law, as well as being exempt from public bidding by the Township.

SO RESOLVED, as aforesaid.

R-11-2022-266 RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES FOR W&S 1168.1 VILLAGES @ COUNTRYVIEW - PHASE 1 – PB-1213-18 POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (Spotswood-Englishtown Rd & Buckelew Ave)

WHEREAS, K Hovnanian New Jersey has posted a Performance Guarantee for W&S 1168.1 – Villages @ Country View – Phase 1; and

WHEREAS, K Hovnanian New Jersey has requested a 70% reduction in the Performance Guarantee posted for water and sewer for the project; and

WHEREAS, defined in 40:55d-53 et seq., the Monroe Township Utility Department (MTUD) has inspected the work performed and the work to be completed and has recommended that the Township Council approve the request for a 70% reduction in the bond, as detailed in a letter dated October 17, 2022, a copy of which is attached hereto as Exhibit "A":

Sanitary Sewer Main Performance Bond #GM202381 in the amount of \$ 323,904.00 to be reduced to \$ 97,171.20, and

Cash Performance Guarantee in the amount of \$ 35,989.00 be reduced to \$ 10,796.70.

Water Main Performance Bond #GM202382 in the amount of \$ 357,703.00 to be reduced to \$ 107,310.90, and

Cash Performance Guarantee in the amount of \$ 39,745.00 be reduced to \$ 11,923.50.

WHEREAS, the Township Council has reviewed and hereby approves the MTUD Director's recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey that Cash Performance Guarantees posted for W&S 1168.1 be reduced as reflected above and the MTUD letter annexed hereto. This approval for a 70% Reduction is conditioned upon the provision of replacement guarantees and/or riders and the resolution of any outstanding balances attached to project escrow accounts; and

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

SO RESOLVED, as aforesaid.

R-11-2022-267 RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH JAFFE COMMUNICATIONS FOR THE MONROE TOWNSHIP PUBLICATION. (1 year extension)

WHEREAS, on October 5, 2020 per Resolution No. R-10-2020-205, **Jaffe Communications** was awarded the contract for the Monroe Township Publication; and

WHEREAS, the current contract renewal expired on October 7, 2022 and the Township has an option to extend for one additional one-year period; and

WHEREAS, the Business Administrator inquired as to the willingness of Jaffe Communications to extend their current contract; and

WHEREAS, the attached letter received October 20, 2022 indicates the willingness of Jaffe Communications to extend the current contract, nunc pro tunc, from October 8, 2022 thru October 7, 2023, under the same terms, conditions and pricing contained within their original contract; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available as set forth in Certificate No. **C-2000050**, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the contract for the Monroe Township Publication is being extended one year to October 7, 2023 in accordance with N.J.S.A. 40A:11-15 of the Local Public Contracts Law;

WHEREAS, the Finance Department is hereby authorized and directed to pay Invoices to the Jaffe Communications in accordance with the original terms, conditions and pricing contained within their original contract entered into between the parties.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the one-year extension of contract with **Jaffe Communications** under the same terms, conditions and pricing within their original proposal submitted for the Monroe Township Publication.

SO RESOLVED, as aforesaid.

R-11-2022-269 RESOLUTION AUTHORIZING THE AWARD OF BID TO DOWN TO EARTH LANDSCAPING FOR MONROE TOWNSHIP TREE PLANTING SERVICES. (11/1/22 – 12/31/24)

WHEREAS, on October 20, 2022, one (1) sealed bid was received by Monroe Township for Tree Planting Services; and

WHEREAS, the Township Business Administrator recommends in his letter dated October 20, 2022, a copy of which is attached hereto, that the contract be awarded to **Down to Earth Landscaping, 705 Wright Debow Road Jackson, N.J. 08527**, on their bid submitted in accordance with the attached **unit pricing**, subject to the review and approval of the Township Attorney; and

WHEREAS, the Township Council has reviewed the recommendations made by the Business Administrator regarding said bid; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available in the Tree Escrow Fund as set forth in Certification No. C-2200067, a copy of which is attached hereto as Exhibit A; and;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the award of a contract for the **Monroe Township Tree Planting** in accordance with the attached **unit pricing**, for a contract term beginning November 1, 2022 and expiring October 31, 2024, with the provision authorizing the Business Administrator to renew for one (1) additional one (1) year period with the consent of both parties under the same terms, conditions and prices; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **Down to Earth Landscaping, 705 Wright Debow Road Jackson, N.J. 08527**; and

BE IT FURTHER RESOLVED that the Township Finance Department is hereby authorized and directed to pay **Down to Earth Landscaping** in accordance with the contract entered into between the parties; and

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

SO RESOLVED, as aforesaid.

R-11-2022-270 RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.

WHEREAS, Premiums have been paid for various properties for the purchase of Tax Lien Certificates for properties listed on the Tax Map of the Township of Monroe, in the amount of Seventy Thousand Nine-Hundred dollars and no cents (\$70,900.00),

WHEREAS, pursuant to N.J.S.A. 54: 5-33 said premiums must be returned to the purchasers upon redemption:

WHEREAS, The Tax Lien Certificates as outlined on Schedule A have been redeemed:

NOW, THEREFORE, BE IT RESOLVED by the Township of Monroe in the County of Middlesex in the State of New Jersey that the Township's Certified Municipal Financial Officer is hereby authorized and directed to draw a check from the Township's Trust Account in the amount listed on Schedule A and forward same to the Tax Collector for distribution to the purchasers.

SO RESOLVED, as aforesaid.

R-11-2022-271 RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.

WHEREAS, the Tax Collector for the Township of Monroe has recommended this Council's approval to make refunds for tax overpayments in the amount of Five Thousand Four Hundred and Sixty-Three dollars and Nineteen cents (\$5,463.19) for the amounts described on Schedule A and attached hereto; and

WHEREAS, good cause has been shown.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe in the County of Middlesex and State of New Jersey that the Township's Certified Municipal Finance Officer be and is hereby directed to draw a check from the General Account refunding the Tax overpayments described above to be distributed as set forth on the attached Schedule A:

SO RESOLVED, as aforesaid.

**R-11-2022-272 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT AND
LIEN ON BLOCK 162, LOT 69.**

WHEREAS, on March 21, 2013, Theresa N. Bromley ("Bromley") entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Bromley from selling or conveying title to the property for a period of ten years pursuant to Monroe Ordinance 131-8 and N.J.S.A. 52:27D-301 et seq., said Agreement having been recorded with the Middlesex County Clerk on September 16, 2013, in Mortgage Book 15446 on Page 0351; and

WHEREAS, the Affordable Housing Lien state that "the terms, restrictions and covenants of this Agreement shall automatically expire ten (10) years from the date that the housing rehabilitation work was completed"; and

WHEREAS, due to the passing of Bromley, an undue hardship exists and the premises need to be sold in order to settle the Estate; and

WHEREAS, the Affordable Housing Board at their meeting held October 12, 2022 approved a Resolution recommending the release of the lien upon repayment of 50% of the amount of said lien in the amount of \$23,723.00, as the lien has been in place for nine years and three months; and

WHEREAS, the Executor of the Bromley Estate has successfully paid the required lien amount back to the Affordable Housing Trust on October 24, 2022; and

WHEREAS, the Monroe Township Affordable Housing Board advises of the successful completion of the Affordable Housing Lien and has consented to the termination of the Affordable Housing Lien; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by Theresa N. Bromley are hereby satisfied and the Mayor and Township Clerk are hereby authorized and directed to execute the Release of Rehabilitated Affordable Housing Agreement, annexed hereto as Exhibit "A".

SO RESOLVED, as aforesaid.

**R-11-2022-273 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE
GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE
GUARANTEE POSTED FOR RIVERSIDE CENTER, LLC – PB-1189-16.
(Farrington Blvd.)**

WHEREAS, Monroe XXXIII Associates has posted Performance Guarantees for the Riverside Center, LLC Block 8, Lots 8.01 and 2.11, project PB-1189-16; and

WHEREAS, a request was made for the release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has recommended release of the Performance Guarantees; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendation of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted by Monroe XXXIII Associates for the Riverside Center, LLC, for Block 8, Lots 8.01 and 2.11, project PB-1189-16 be released as reflected in the Township Engineer's letter dated October 24, 2022, attached hereto. This approval for release of the Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$193,112.25**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

BE IT FURTHER RESOLVED, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit, however, in lieu of this the Township Engineer's office recommends the developer post an additional **\$5,000.00** into the existing engineering inspection escrow account which is more reasonable. As such, performance guarantees should not be released until the escrow account is replenished as noted in the Township Engineer's letter.

SO RESOLVED, as aforesaid.

R-11-2022-274 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR RIVERSIDE CENTER, LLC – PB-699-00.
(Farrington Blvd.)

WHEREAS, Monroe XXXIII Associates has posted Performance Guarantees for the Riverside Center, LLC Block 8, Lots 2.04 and 2.06, project PB-699-00; and

WHEREAS, a request was made for the release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has recommended release of the Performance Guarantees; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendation of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted by Monroe XXXIII Associates for the Riverside Center, LLC, for Block 8, Lots 2.04 and 2.06, project PB-699-00 be released as reflected in the Township Engineer's letter dated October 24, 2022, attached hereto. This approval for release of the Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$36,949.11**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

BE IT FURTHER RESOLVED, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit, however, in lieu of this the Township Engineer's office recommends the developer post an additional **\$5,000.00** into the existing engineering inspection escrow account which is more reasonable. As such, performance guarantees should not be released until the escrow account is replenished as noted in the Township Engineer's letter.

SO RESOLVED, as aforesaid.

R-11-2022-276 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED FOR STONEBRIDGE – PHASE 1, SECTION 1 PB-906-04. (Federal Rd.)

WHEREAS, Lennar Company/ Lori Gardens Associates II, LLC. has posted Performance Guarantees for the Phase 1, Section 1 Sitework of the Greenbriar at Stonebridge development, project PB-906-04; and

WHEREAS, a request was made for the release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has recommended release of the Performance Guarantees; and

WHEREAS, no maintenance guarantee is required pursuant to the settlement agreement between the parties as approved by the Superior Court; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendation of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted by Lennar Company/ Lori Gardens Associates II, LLC. for the Phase 1, Section 1 Sitework of the Greenbriar at Stonebridge development, project PB-906-04 be released as reflected in the Township Engineer's letter dated November 1, 2022, and attached hereto.

BE IT FURTHER RESOLVED, that such action be conditioned upon the resolution of any outstanding escrow balances associated with administration of this project by Township Officials.

SO RESOLVED, as aforesaid.

R-11-2022-277 RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PAYMENTS IN LIEU OF TAXES WITH MONROE VETERAN'S URBAN RENEWAL ASSOCIATES, LLC IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY. (Veteran's Housing Project – Cranbury Half Acre Rd.)

WHEREAS, Monroe Veterans Urban Renewal Associates, LLC, or a limited liability company in which Conifer Realty, LLC will be the managing member (hereinafter referred to as the "Sponsor") proposes to construct an affordable rental housing development for families consisting of 80 units in townhouses and flats (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Monroe Township (hereinafter referred to as the "Municipality") on a site described as **Block 41, Lot 14.02** as shown on the Official Assessment Map of the Township of Monroe, Middlesex County and located on Cranbury Half Acre Road; and

WHEREAS, Ordinance O-12-2020-23 was adopted on December 28, 2020 which authorized the execution of An Agreement For Payments In Lieu of Taxes and Financial Agreement for the Project which would be subject to the terms of a New Jersey Housing and Mortgage Finance Agency (HMFA) mortgage which is authorized by this Resolution; and

WHEREAS, the Project will be subject to the HMFA Requirements, and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need; and
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and

- (4) The Council hereby authorizes and directs the Mayor of the Township of Monroe to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and municipality.

SO RESOLVED, as aforesaid.

R-11-2022-278 RESOLUTION AUTHORIZING THE TOWNSHIP TO ENTER INTO A REGULATORY AND OPERATING AGREEMENT WITH MONROE VETERAN'S URBAN RENEWAL ASSOCIATES, LLC CONCERNING THE OPERATION OF A 100% AFFORDABLE RENTAL PROJECT.
(Veteran's Housing Project – Cranbury Half Acre Rd.)

WHEREAS, Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the New Jersey Fair Housing Act, N.J.S.A. 52: 27D-301, et seq. ("FHA") require the Township of Monroe (the "Township"), as well as most other municipalities in New Jersey, to create a realistic opportunity for the provision of low- and moderate-income housing; and

WHEREAS, the Township has endeavored to calculate its affordable housing obligation and has determined that it has an obligation; and

WHEREAS, municipalities have a number of options to satisfy their affordable housing obligations, including, but not limited to, a municipally sponsored and 100% affordable rental program if the community makes a suitable property available to an experienced housing sponsor that is willing to construct, own, operate, and maintain affordable rental units which will assist the municipality in meeting its rental obligation; and

WHEREAS, the Township is aware of the need to provide affordable rental housing to veterans and their families within the Township and the housing region. In an effort to address this need for affordable housing, as well as a portion of the Township's affordable housing obligation, the Township has undertaken an initiative to partner with an affordable housing developer and operator to design, build, operate, and maintain an affordable housing project on a parcel of land owned by the Township; and

WHEREAS, the Township, pursuant to a request for proposal process, selected Conifer Realty, LLC, a New York limited liability company ("Conifer") and People for People Foundation of Gloucester County, Inc. a New Jersey nonprofit corporation ("People" together with Conifer, the "Sponsor"), collectively experienced in constructing, owning, operating, and maintaining affordable rental developments for veterans and their families to assist the Township, in whole or in part, in addressing its third cycle affordable housing obligations if the Township will make a suitable property available for a municipally sponsored 100% affordable rental project; and

WHEREAS, the Sponsor and the Township have entered into a Development and Affordable Housing Agreement for the Property, which will govern the development of a 100% affordable housing project; and

WHEREAS, the Development Agreement requires the parties to enter into a Regulatory and Operating Agreement setting forth the mutual understandings of the parties with regard to the operation of the facility, and the Sponsor has caused Monroe Veterans Urban Renewal Associates, LLC (the "Developer") to be formed to effectuate same; and

WHEREAS, the Township, and its staff and professionals, have negotiated the terms and conditions of a Regulatory and Operating Agreement, as described in substantially the form appended hereto as Attachment A; and

WHEREAS, the Township's Affordable Housing Spending Plan (the "Spending Plan") authorizes the Township to contribute \$10,930,400.00 from its Affordable Housing Trust Fund ("Fund") to rehabilitation and new construction programs and projects. Thus, amongst its various terms, the Regulatory and Operating Agreement provides for the Township's contribution of a total of the \$10,930,400.00 from the Fund, subject to Court approval of any necessary amendments to the Township's spending plan, towards the Developer's cost of development and construction of the Project including all soft costs and approval fees and costs; and

WHEREAS, the Township's Spending Plan also authorizes the Township to contribute from the Fund an operating subsidy to the project's development and operation. Township has also agreed to provide the Developer with an operating subsidy of \$427,039.21 earmarked for rents and utilities to render units more affordable in accordance with New Jersey State law; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to enter a Regulatory and Operating Agreement with the Developer in substantially the form appended hereto as Attachment A, subject to the review of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that:

1. The Township is hereby authorized to execute a Regulatory and Operating Agreement in substantially the form appended hereto as Attachment A, subject to the review of the Township Attorney.

SO RESOLVED, as aforesaid.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Resolutions Duly Filed.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the following Resolutions were removed from the **CONSENT AGENDA** and considered separately: (R-11-2022-260, R-11-2022-261, R-11-2022-262, R-11-2022-264, R-11-2022-268, R-11-2022-275 and R-11-2022-279)

R-11-2022-260 RESOLUTION AUTHORIZING THE APPROVAL OF CHANGE ORDER NO. 1 AND FINAL SUBMITTED BY S & G PAVING, INC. IN CONNECTION WITH THE COSTCO DRIVE ROADWAY IMPROVEMENTS PROJECT. (Increase of \$6,310.27)

WHEREAS, pursuant to Resolution No. R-5-2022-151, adopted by the Monroe Township Council at its meeting held on May 2, 2022, a contract was awarded to S & G Paving, Inc. in connection with the Costco Drive Roadway Improvements Project; and

WHEREAS, the original total contract amount was \$569,999.96; and

WHEREAS, the Township Engineer, in a letter dated October 11, 2022, requested approval of Change Order No. 1 and Final for the Costco Drive Roadway Improvements Project reflecting an **increase of \$6,310.27** in the contract amount, as the result of reductions of unnecessary bid items and the addition of Item S-1 for the reconstruction of two unstable Double E Inlets found at the intersection of Possum Hollow Road and Costco Drive, as described in the attached change order; and

WHEREAS, the current contract price including this change order is **\$576,310.23**; and

WHEREAS, the Township Council has reviewed the request and has found same to be reasonable; and

WHEREAS, the Certified Municipal Finance Officer has certified in Certificate No. **C-2200040**, a copy of which is attached hereto, that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute Change Order No. 1 and Final, attached hereto and made a part hereof.

SO RESOLVED, as aforesaid.

R-11-2022-261 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR STRATFORD AT MONROE, SECTION 3 – PB-997-06. (Halsey Reed Rd)

WHEREAS, **Stratford Developers, LLC.** has posted Performance Guarantees for the Stratford at Monroe, Phase 3 project (PB-997-06); and

WHEREAS, a request was made for the release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has recommended release of the Performance Guarantees; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendation of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted for the Stratford at Monroe PB-997-06 project be released as reflected in the Township Engineer's letter dated October 12, 2022, attached hereto. This approval for release of the Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$290,623.09**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

BE IT FURTHER RESOLVED, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit, however the Township Engineer's office recommends the developer post **\$10,000.00** at this time into the existing engineering inspection escrow account which is more reasonable.

SO RESOLVED, as aforesaid.

R-11-2022-262 RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH JAMESBURG PRESS FOR MONROE TOWNSHIP PRINTING SERVICES (GROUPS A & B). (1 year extension)

WHEREAS, on September 2, 2020 per Resolution No. R-9-2020-198, **Jamesburg Press**, was awarded the Monroe Township Printing Services (Groups A & B) contract; and

WHEREAS, the current contract renewal expired on September 1, 2022 and the Township has an option to extend for one additional one-year period; and

WHEREAS, the Township Qualified Purchasing Agent inquired as to the willingness of Jamesburg Press to extend their current contract; and

WHEREAS, the attached letter dated September 29, 2022 indicates the willingness of **Jamesburg Press** to extend the current contract from September 2, 2022 thru September 1, 2023, nunc pro tunc, under the same terms, conditions and pricing contained within their original bid specification and contract; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available as set forth in Certificate No C-2000048, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Utility Finance Manager has certified availability of funds in Certificate No. M-200012, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the contract for Monroe Township Printing Services is being extended one year to September 1, 2023 in accordance with N.J.S.A. 40A:11-15 of the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the one-year extension of contract with Jamesburg Press under the same terms, conditions and pricing within their original bid specification submitted for Monroe Township Printing Services (Groups A & B); and

BE IT FURTHER RESOLVED that the Finance Department is hereby authorized and directed to pay Invoices for the above referenced vendor in accordance with the original terms, conditions and pricing contained within their original 2020 contract entered into between the parties;

SO RESOLVED, as aforesaid.

R-11-2022-264 RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND. (Removal of 54 Ash trees - \$19,345.00)

WHEREAS, in accordance with Chapter 96 of the Monroe Township Code entitled "Shade Trees and Shrubbery; Landscaping", a Tree Escrow Fund has been created to hold and disburse fees paid in lieu of tree replanting by developers or property owners removing trees; and

WHEREAS, the Fund is to be used to maintain, preserve and protect the municipal tree cover; and

WHEREAS, the overall health and vitality of Monroe Township's tree cover is at risk due to the Emerald Ash Borer infestation, which has spread to ash trees throughout the Township; and

WHEREAS, the Council believes that purposes of the Tree Escrow Fund are served by funding the removal of dead or diseased ash trees within the Township, which pose a danger to healthy trees and to the public; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds within the Tree Escrow Fund in Certificate No. C-2200065 a copy of which is attached hereto as Exhibit B; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe authorizes the expenditure of not more than \$19,345.00 for the removal of approximately 54 Ash trees, when invoices are tendered by RKD, from the Tree Escrow Fund;

BE IT FURTHER RESOLVED, that the Finance Department is hereby authorized and directed to pay Power Saws of America, Inc. t/a RKD Tree Service from the Tree Escrow Fund, for the services provided.

SO RESOLVED, as aforesaid.

R-11-2022-268 RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH POWER SAWS OF AMERICA, INC. T/A RKD TREE SERVICE FOR MONROE TOWNSHIP TREE REMOVAL AND PRUNING SERVICES. (1 year extension)

WHEREAS, on April 5, 2021 per Resolution No. R-4-2021-088, **Power Saws of America Inc. t/a RKD Tree Service** was awarded the Tree Removal and Pruning Services contract; and

WHEREAS, the current contract expires on December 31, 2022 and the Township has an option to extend for one additional one-year period; and

WHEREAS, the Township Qualified Purchasing Agent inquired as to the willingness of Power Saws of America Inc. to extend their current contract through December 31, 2023; and

WHEREAS, the attached letter dated October 14, 2022, indicates the willingness of **Power Saws of America** to extend the current contract from January 1, 2023 thru December 31, 2023, under the same terms, conditions and pricing contained within their original bid specification and contract; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available as set forth in Certificate No C-2100026, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the contract for Monroe Township Tree Removal and Pruning is being extended to December 31, 2023 in accordance with N.J.S.A. 40A:11-15 of the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the extension of contract with Power Saws of America, Inc. under the same terms, conditions and pricing within their original bid specification submitted for Tree Removal and Pruning; and

BE IT FURTHER RESOLVED that the Finance Department is hereby authorized and directed to pay Invoices for the above referenced vendor in accordance with the original terms, conditions and pricing contained within their original 2021 contract entered into between the parties;

SO RESOLVED, as aforesaid.

R-11-2022-275 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR M & R WAREHOUSING, INC. – PB-1088-10. (Possum Hollow Rd)

WHEREAS, M&R Warehousing, Inc. has posted Performance Guarantees for Block 79, Lots 1, 2 and 19, project PB-1088-10; and

WHEREAS, a request was made for the release of the Performance Guarantees posted for this project; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has recommended release of the Performance Guarantees; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendation of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted by M&R Warehousing, Inc. for Block 79, Lots 1, 2 and 19, project PB-1088-10 be released as reflected in the Township Engineer's letter dated October 24, 2022, attached hereto. This approval for release of the Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$80,986.00**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

BE IT FURTHER RESOLVED, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit, however, in lieu of this the Township Engineer's office recommends the developer post an additional **\$1,500.00** into the existing engineering inspection escrow account which is more reasonable. As such, performance guarantees should not be released until the escrow account is replenished as noted in the Township Engineer's letter.

SO RESOLVED, as aforesaid.

R-11-2022-279 RESOLUTION AWARDED AN EMERGENCY CONTRACT TO S&G PAVING, INC. FOR EMERGENCY ROADWAY REPAIRS AT THE INTERSECTION OF MATCHAPONIX, PERGOLA, AND SPOTSWOOD-GRAVEL HILL ROADS (CR 612)
(\$59,542.68)

WHEREAS, on April 6, 2020 the Township enacted Resolution No. R-4-2020-114 and awarded a contract to Assuncao Brothers, Inc. for the intersection improvements at Spotswood Gravel Hill and Matchaponix/Pergola Avenue (CR 612) (hereinafter referred to as "the Project"); and

WHEREAS, Assuncao Brothers failed to complete the project and declared bankruptcy; and

WHEREAS, on September 7, 2022 the Township's Municipal Council enacted Resolution No. R-9-2022-239 which authorized the Township to take action against the performance bond posted by Assuncao Brothers for the completion of the project, held by NGM Insurance Company; and

WHEREAS, on October 7, 2022 the Township Attorney sent a letter to NGM Insurance Company stating that the Township Engineer has determined that Spotswood Gravel Hill Road is failing, the pavement is pulling apart, cracking, and settling into ruts and depressions; and

WHEREAS, the failing of Spotswood Gravel Hill Road will be exacerbated by the colder weather months approaching with the increased risk of freeze and thaw and the project will be difficult to complete during the winter months; and

WHEREAS, the Township Engineer has determined that failure of this roadway is imminent, and any further delay will create a danger to the public's health, safety, and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township is permitted to award a contract without public advertising for bids if an emergency affecting the public health, safety, and welfare requires the immediate delivery of performance of services; and

WHEREAS, NGM Insurance Company has failed to respond to the October 7, 2022 letter; and

WHEREAS, the Township Engineer received two (2) quotes for the completion of this Project: 1) S&G Paving, Inc. in the amount of \$59,542.68 and 2) S. Brothers, Inc. in the amount of \$62,644.00; and

WHEREAS, the Township would like to authorize and emergency contract pursuant to N.J.S.A. 40A:11-6 with S&G Paving Inc., 224C Forsgate Drive Jamesburg, NJ 08831 in an amount not to exceed \$59,542.68 to complete the project and to prevent any deterioration of Spotswood Gravel Hill and Matchaponix/Pergola Avenue (CR 612).

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

1. The Township hereby authorizes an emergency contract pursuant to N.J.S.A. 40A:11-6 with S&G Paving Inc., 224C Forsgate Drive Jamesburg, NJ 08831, in an amount not to exceed \$59,542.68 to complete the repairs at the intersection of Spotswood Gravel Hill and Mathcaphonix/Pergola Avenue at (CR612).
2. The Mayor and Township Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution as approved by the Township Attorney.

ROLL CALL:	Councilman Charles Dipierro	Abstain
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Resolutions Duly Filed.

Administrator's Report – Reported that the Best Practices Inventory will be discussed at the next meeting.

We are purchasing a 1,600-gallon brine tank for our DPW which will help with storms.

Leaf pickup is a busy time for our DPW so extended thanks to them for their hard work.

Commended the Senior Center for a turnout of over 4,900 residents to their programs and over 1,000 residents taking advantage of medical, senior and disabled transports.

Extended thanks to all our employees who work outside in the ever changing environment.

Engineer's Report – Reported that at this meeting we awarded a contract to S & G Paving for repairs needed on Pergola/Matchaponix Avenue. The project will begin next week and take approximately 2 days to finish.

On November 18th we will be opening bids for the Veteran's Park restroom project with many bid packages having been picked up for that, with the anticipated award at the December 5th Council meeting.

Council's Reports –

Councilwoman Schneider –

- October was a busy month with Octoberfest and Halloween; she attended the trick or treat drive by at the Rec Center which was great to see all of the kids dressed up and handing out candy to them.
- Attended the Diwali celebration at Thompson Park, which had over 1,000 people in attendance. Commented that it was run beautifully, and the music and entertainment was enjoyable. Thanked Councilwoman Siegel for her involvement.
- On Wednesday, December 14th at 10:30 at the Senior Center, a representative from the Division of Taxation will be going over the Property Tax Reimbursement Program, ANCHOR Program and Senior Freeze. If interested in attending, you must sign up.
- Mentioned Thanksgiving and Christmas upon us the annual holiday food drives will be happening now and urged all to donate food.

Councilwoman Siegel –

- Thanked all EMS, Police, Fire, OEM Coordinators, 9/11 dispatchers and responders, etc. as 1st Responder's Day was October 28th.
- Attended the Juried Art Show which had over 600 people in attendance; kudos to the Cultural Arts Commission and all the volunteers.
- The Cultural Arts Commission will be hosting a "Salute to American Music" on November 13th at 3pm at the Marasco Performing Arts Center.
- The Youth Advisory Council held their first meeting last night; they will provide input from the youth of problems affecting the community. Many resumes were received for this Council which is fabulous.
- The Environmental Commission held their annual Green Fair, congrats to the Volunteers and the Commission for a job well done.
- Attended the Diwali fireworks event at Thompson Park which had henna artists, music and food. This would not have been possible without the help of so many including the Diwali Planning Committee, Mayor Dalina, Council, Monroe and Jamesburg Police Department's and our DPW.

Councilman Dipierro –

- Attended the "Phantom of the Opera" show at the high school which was well organized and thoroughly enjoyable.
- Diwali celebration was a lot of work and effort put into the night, congratulations to everyone involved.
- Attended Octoberfest, although the weather was not great, it was nice to see the kids and their smiles which made it worth it. Thanked the Recreation Center, DPW and the Police Department for their hard work.

- The League of Women Voter's hosted Township Historian John Katerba, at the Library, who spoke of his new book, and Kyle Johannsen who restores old black and white photos to color, which is very interesting.
- Asked for a sign to be placed at the Construction Department and DPW with their hours of operation and is proud to say that it is done and really stands out which is great.
- Thanked DPW and the Utility Department for completing the Daniel Ryan Field and now we can proceed with the Veteran's Park project.
- Asked for consideration to be made to have drop screens placed in the Council chambers; he stated that when attending Planning Board meetings, it is hard to see exhibits and displays. He added that we should at least get an estimate to see what the cost would be.
- Asked when the paving on Spotswood-Englishtown Road will be done; Engineer Rasimowicz answered that there is no schedule yet as they have drainage work to do first.
- On November 5th the Community Garden will be planting a tree at the Recreation Center, noting it is a big day for him as it is also his birthday. Thanked the Hluchy family who owns and operates Tidbury Creek for donating the tree, "they are true farmers, true Monroe Twp. citizens".
- Thanked the Clerk's Office in preparing for the election, as they always do a great job, and extended well wishes to all the candidates.

Council Vice-President Van Dzura –

- Annual Green Fair was a nice event and heavily attended.
- Attended Octoberfest which was a great community event with good food and the Monroe Mini's Cheerleaders performed.
- Attended the Diwali celebration which was very nice extending thanks to Councilwoman Siegel and all who helped in putting this together.
- Reminded everyone that November 8th is Election Day and to get out and vote.
- Updated all on the War in Ukraine noting that Kiev lost power and water, noting that many sites are out there to offer help. He mentioned that he met a couple who organized www.leonidfoundation.org which collects donations for those who are relocating from the Ukraine, including clothing, food, housing, and furniture.
- Asked Residents who receive free turkeys at the food store to considering donating them to families in need and Wished everyone a Happy Thanksgiving.

Council President Cohen –

- Piggybacked on Council Vice-President Van Dzura's comments regarding the couple who has organized the Leonid Foundation. She hopes that the Ukranian immigrants who have come to the US to experience a wonderful Thanksgiving.
- Shared that Greenbriar won bocci during the Mayor's Cup Tournament.
- Cultural Arts member, Nancy Gunkelman, has an exhibit at the Plainsboro library which can be viewed on Saturday afternoon starting at 2:00pm for anyone who may be interested.

Mayor's Report – Mayor Dalina reminded everyone to submit for the ANCHOR rebate if not already done so as the deadline is December 30th, If help is needed to contact the Library.

Congratulations to the Green Team for receiving silver certification from Sustainable NJ.

Congratulated the Mayor's Cup award winners with the Regency being the big winner. Thanked all who participated.

Attended Clearbrook's 50th Anniversary event held on October 26th.

On October 27th the Master Plan unanimously passed; thanked all the residents for their input.

Citizens have reached out with concerns about an increase in car thefts and burglaries and we have been working with the Police Chief on creating an awareness videos and outreach to the public. He noted that there has been an increase in car thefts but we are still one of the safest towns. In 2020 there were 20, 2021 there were 17 and 2022 were 22 which shows a slight increase but well below the state's report of burglaries of 2019 being 38, 2020 being 33, 2021 being 24 and 2022 being 35. He stated that we are still one of the safest communities and he stands by that and our Police Department.

Attended the Guru Nanak Sikh Heritage 24-hour birthday celebration which started Friday at 4am and was a nonstop celebration.

Congratulations to all who organized and attended the Diwali event.

November 5th is Councilman Dipierro's birthday, and he promises to have a hoot and hollering event.

On November 6th there will be an event honoring our Veteran's at the Senior Center.

Reminded everyone that on Veteran's Day, November 11th, there will be a Memorial Service at Veteran's Park (Avenue K) beginning at 9am.

On November 30th we will host the 3rd annual Menorah and Christmas tree lighting.

Wished everyone a heartfelt Thanksgiving from his family to your and reminded everyone that this is the time to focus on family.

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

PUBLIC COMMENTS:

Tim Eosso, 2 Allison Ct. – Mr. Eosso stated that he attended the Diwali event which was wonderful, and he has spoken to Mayor Dalina about holding a San Gennaro Festival in the future.

Shared that he had a dining room set for sale and a young Ukrainian family was interested in it, so he gave it to them.

Mr. Eosso asked who was hired as the Fleet Safety Securities Coordinator and what the salary is; Administrator Weinberg answered that his name is Pete Piro and the salary is \$70,000. Mr. Eosso countered asking how many employees start at \$70,000 adding that it is shameful that we pay someone this salary from the start. He went on to say that it is an injustice to those employees who have been here a lot longer and not making that kind of salary from the start. Mr. Eosso asked if this position was in the budget to which Administrator Weinberg answered yes.

Antoinette Sacchetti, 39 Avenue H – Ms. Sacchetti brought up that she is concerned with the dangerous and hazardous conditions of 38 Avenue I. She stated that she spoke to Zoning Officer Chris Bevins and was told that the property would be inspected and on August 26th he reported that the house would be demolished. She noted that this property backs up to hers and asked if the Township has a property maintenance ordinance as their property has created a mess with rodents and it is unsafe and asked if we could get this done. Administrator Weinberg responded to Ms. Sacchetti asking for her to reach out to him with her contact information and he will be in touch to address her concerns.

Carolina Dipierro, 35 Lower Matchaponix Ave. – Ms. Dipierro stated that she is concerned about the zoning of her property going from commercial to residential; Administrator Weinberg responded that her concerns are heard but advised her to attend a Planning Board meeting.

Patricia Schwalje, 586A Madison Dr. – Mrs. Schwalje stated that she attended Oktoberfest and was very impressed with how great the event was.

Commented that she enjoyed watching the Diwali fireworks and is appreciative of what a great community our Township is.

Commented that she is concerned that there is a plan to cause disruption at the polling places with people being challenged unnecessarily and asked what could be done to prevent this from happening; Attorney Rainone responded that the U.S. Attorney General’s Office will have task forces set up for those instances, as well as, our Police Departments and Clerk’s Office who are all prepared for any issues that may arise.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the Regular Meeting was Adjourned at 7:39pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Patricia Reid

PATRICIA REID, Township Clerk

Miriam Cohen

MIRIAM COHEN, Council President

Minutes were adopted on December 5, 2022.