

**** The public will be able to view this meeting via the following YouTube link: <https://youtu.be/ouVvo7yrz8o>**

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**

SEPTEMBER 7, 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. **PROCLAMATION:**

September - Childhood Cancer Awareness Month

6. **PRESENTATIONS:**

Recognizing John Strych for his 25 years with the Monroe Township Police Department

Recognizing Mitchell Elias for his 26 years as Tax Assessor for Monroe Township

7. **SWEARING IN CEREMONY:**

Oath of Office administered to:

Lt. Ronald Breuer

Sgt. Louis Winn

8. **ORDINANCE(S)** for **INTRODUCTION** at the September 7, 2022 Regular Meeting:
- O-9-2022-018** **ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MONROE UNDER CHAPTER 122 ARTICLE XIII TO AUTHORIZE THE POLICE TO ENFORCE TITLE 39 OF THE NEW JERSEY MOTOR VEHICLE CODE IN RENAISSANCE AT MONROE.**
(Traffic Enforcement in Renaissance @ Monroe – Route 33)
- O-9-2022-019** **ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, ENTITLED “ADMINISTRATION OF GOVERNMENT”, SPECIFICALLY SECTION 50 ENTITLED “DIVISION OF POLICE”. (Authorizing additional Command Officer positions)**
- O-9-2022-020** **ORDINANCE AUTHORIZING THE GRANT OF A STREAM CORRIDOR CONSERVATION EASEMENT TO THE DELAWARE AND RARITAN CANAL COMMISSION OVER A PORTION OF TOWNSHIP PROPERTY (BLOCK 4, LOTS 6.01 & 6.02) AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT AGREEMENT.**
(Applegarth Rd – adjacent to Community Garden)
9. **RESOLUTIONS** for **CONSIDERATION** under **CONSENT AGENDA** at the September 7, 2022 Regular Meeting: (R-9-2022-217 – R-9-2022-247)
- R-9-2022-217** **RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND. (Removal of 45 Ash Trees - \$18,430)**
- R-9-2022-218** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 33 FOREST PARK TERRACE, BLOCK 169.19, LOT 9.**
- R-9-2022-219** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 165 RIVER ROAD, BLOCK 169, LOT 3.03.**
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- R-9-2022-222** **RESOLUTION AUTHORIZING A CONTRACT WITH DONNELLY ENERGY, INC. FOR THE REPLACEMENT OF TWO (2) BOILERS AT THE SENIOR CENTER UNDER THE DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES. (80/20 Direct Install Program – Total Cost \$122,832.72; Township Share \$24,566.54 to be paid over sixty months)**
- R-9-2022-223** **RESOLUTION AUTHORIZING THE APPOINTMENT OF TRICIA MERCADO AS TAX ASSESSOR FOR THE TOWNSHIP OF MONROE. (9/1/22 – 6/30/23)**
- R-9-2022-224** **RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER’S AGREEMENT BY AND BETWEEN ABEEL ROAD JCG ASSOCIATES, LLC. AND THE TOWNSHIP OF MONROE FOR WATER SERVICES FROM THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (25 Abeel Road)**
- R-9-2022-225** **RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR BRASUSA CONSTRUCTION, INC. PROJECT BA-5149-17. (Union Hill Road)**
- R-9-2022-226** **RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE AND SAFETY AND STABILIZATION GUARANTEE UPON THE ACCEPTANCE OF MAINTENANCE GUARANTEES POSTED FOR BARCLAY BROOK ESTATES – PB-1202-18. (Buckelew Avenue)**

- R-9-2022-227** **RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1084DOM, BLOCK 56, LOT 9.04, - PB #1103-11 (“M.T.U.D.”).**
(Stonaker Road)
- R-9-2022-228** **RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1108.1, PHASE 3A, MONROE PARKE, (MH A-40-41) PB #1141.13 (“M.T.U.D.”).**
(Mounts Mills Road)
- R-9-2022-229** **RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**
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- R-9-2022-231** **RESOLUTION AUTHORIZING THE SALE OF VEHICLES AND SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE TO BE CONDUCTED BY GOVDEALS.COM.**
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(per unit pricing – estimated contract total \$101,831.20)
- R-9-2022-233** **RESOLUTION AUTHORIZING THE PURCHASE OF ELECTROMAGNETIC FLOW METERS FROM ENDRESS+HAUSER USING THE NORTH JERSEY COOPERATIVE PRICING SYSTEM (NJWCPS) STATE APPROVED COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).** (\$39,439.87)
- R-9-2022-234** **RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH CME ENGINEERING, INC. IN CONNECTION WITH THE BFI REPUBLIC LANDFILL ODOR STUDY – 2nd AIR MONITORING ANALYSIS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D”).** (\$40,057)
- R-9-2022-235** **RESOLUTION AUTHORIZING AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT WITH H2M ASSOCIATES, INC FOR ADDITIONAL PUBLIC OUTREACH AND ANALYSIS IN CONNECTION WITH THE MASTER PLAN.**
(Additional \$35,000)
- R-9-2022-236** **RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULICS SYSTEM, DUMP TRUCK BODY AND ACCESSORIES FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.** (\$128,651.37) (In conjunction with R-6-2022-169)
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- R-9-2022-239** **RESOLUTION DECLARING CONTRACTOR DEFAULT AND AUTHORIZING THE TOWNSHIP TO TAKE ACTION AGAINST THE PERFORMANCE BOND POSTED BY ASSUNCAO BROTHERS, INC. FOR THE FOR THE SPOTSWOOD GRAVEL HILL ROAD AND MATCHAPONIX/PERGOLA INTERSECTION IMPROVEMENTS PROJECT.**

- R-9-2022-240** **RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2022 JOHN DEERE MOWERS FROM DEERE & COMPANY UNDER THE NEW JERSEY STATE CONTRACT FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$22,318.40)**

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- R-9-2022-242** **RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE CAB UTILITY TRACTOR WITH SIDE & REAR MOWERS FROM POWER PLACE, INC. UNDER NEW JERSEY STATE CONTRACT FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$88,039.42)**

- R-9-2022-243** **RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE COMPACT UTILITY TRACTOR FROM DEERE & COMPANY USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM (ESCNJ) FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$82,176.56)**

- R-9-2022-244** **RESOLUTION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SETTLEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND U.S. HOME CORPORATION D/B/A LENNAR, LORI GARDEN ASSOCIATES, LLC, et al. DOCKET NO. MID-L-6302-19. (Stonebridge)**

- R-9-2022-245** **RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT 496 “SODIUM HYDROXIDE” WITH UNIVAR SOLUTIONS USA, INC. BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$1.7952/gal effective July 1, 2022 for remainder of contract)**

- R-9-2022-246** **RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULICS SYSTEM, SNOW PLOW AND SALT SPREADER FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$105,472.19)**

- R-9-2022-247** **RESOLUTION AUTHORIZING TO ENTER INTO CLOSED EXECUTIVE SESSION. (To be voted on separately) (Pending Litigation update – No Council action will be taken)**

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

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

11. **Agenda Meeting Adjournment.**

Time: _____

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

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**REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

SEPTEMBER 7, 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 **SEPTEMBER 1, 2022**.

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

3. **APPROVAL OF MINUTES:**

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

August 1, 2022 – Agenda and Regular Combined Meeting

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

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

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(Traffic Enforcement in Renaissance @ Monroe – Route 33)

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

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

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(Applegarth Rd – adjacent to Community Garden)

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

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TOWNSHIP OF MONROE
COUNCIL MEETING MINUTES
MEETING OF THE MONROE TOWNSHIP COUNCIL – September 7, 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 who requested Lieutenant Breuer to call in the Monroe Township Police Youth Academy Graduates to lead our Salute to the Flag.

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

ALSO, PRESENT: Mayor Stephen Dalina, Business Administrator Alan M. Weinberg, Township Attorney Lou Rainone, Utility Director Joseph Stroin, Engineer Mark Rasimowicz and Deputy Clerk Tanya Pannucci.

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

Deputy Township Clerk Christine Robbins 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.

Council President Cohen shared that September is Childhood Cancer Awareness Month.

Mayor Dalina recognized Mitchell Elias for his 26 years of service as Tax Assessor for Monroe Township and presented him with a plaque to honor his many years of service to the Township and residents of Monroe. He shared that Mitch has always gone above and beyond and will always be considered a valued family member of the Township. Mayor Dalina went on to share that Mitch is a State Certified Real Estate Appraiser, a member of the International Association of Assessing Officers, a member of the Association of Municipal Assessors of New Jersey, as well as, a member of the Association of Municipal Assessors of Middlesex County. He noted that he knew Mitch's father very well and knew he would be an outstanding worker for the Township.

All of Council congratulated Mitch on his retirement, thanking him for his hard work and wishing him well on his future endeavors.

Chief Biennas recognized John Strych for his 25 years of service with the Monroe Township Police Department. He gave a brief background of Lt. Strych's service, noting that he started working for the department in dispatch which evolved into working on patrol and included serving as union representative. He added that Lt. Strych was always looking to move forward and always there to give advice and extended his best wishes to him in his future endeavors, noting that he is thankful to call him a friend.

Mayor Dalina commented that Lt. Strych has left a legacy with the impact he has made not only on his fellow officers but also the community which will always be imprinted here in Monroe Township.

All of Council congratulated Lt. Strych and thanked him for his years of service and dedication to the Community and wished him the best of luck in all of his future endeavors.

Chief Biennas called upon Lieutenant Ronald Breuer and shared a bit on his background stating that he grew up in Middletown, NJ and attended Middletown North High School, as well as, graduated from both Brookdale Community College and Jersey City University. He started his career working for Middletown and Spring Lake as a Special Officer and graduated the Police Academy in 2006. He has also worked for Colts Neck Township, eventually coming to our police department in April of 2007. Chief Biennas noted that Lieutenant Breuer has an extensive education and is a certified L.E.A.D. instructor for the State of New Jersey. In 2018 he was promoted to Sergeant and assigned to the Criminal Investigation Division as a Supervisor and in March 2022 he was assigned to the Patrol Division as the Acting Patrol Lieutenant and in July he was officially promoted to Lieutenant. Lieutenant Breuer's wife Christine held the bible alongside his sons Mason and Brandon while Deputy Township Clerk Christine Robbins administered the Oath of Office.

Chief Biennas called upon Sergeant Louis Winn grew up in Metuchen, NJ and attended St. Joseph's High School and received his degree from Seton Hall University and received his bachelor's degree in Criminal Justice and Sociology. Sergeant Winn was a former member of the Edison Fire Department where he became a Lieutenant. He was also a Class I Officer in Seaside from 1998-2000 when he eventually came to our police department in March 2000. In 2003, he was assigned to the Detective Bureau all while continuing his education and extensive training in the police field, which led him to become a member of the Monroe Township SWAT Team and deemed an expert by the Federal Government for fingerprint and evidence collection. Sergeant Winn has received many citations and awards throughout his career and in 2012 was reassigned to the patrol division and then the Detective Bureau in 2019. Sergeant Winn enjoys boating and spending time working on classic muscle cars. Sergeant Winn's parents Louie and Carol, along with his significant other Vicky, and sons Blane and Jake, who were in attendance to hold the bible while Deputy Township Clerk Christine Robbins administered the Oath of Office.

A brief recess was taken for pictures with the meeting resuming at 7:06pm.

Deputy Township Clerk Christine Robbins read the following entitled **ORDINANCES** for **SECOND READING** at the **WEDNESDAY, SEPTEMBER 7, 2022** Regular Council Meeting:

- O-9-2022-018** **ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MONROE UNDER CHAPTER 122 ARTICLE XIII TO AUTHORIZE THE POLICE TO ENFORCE TITLE 39 OF THE NEW JERSEY MOTOR VEHICLE CODE IN RENAISSANCE AT MONROE.**
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(Applegarth Rd – adjacent to Community Garden)

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- R-9-2022-218** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 33 FOREST PARK TERRACE, BLOCK 169.19, LOT 9.**
- R-9-2022-219** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 165 RIVER ROAD, BLOCK 169, LOT 3.03.**
- R-9-2022-220** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 6 SUMAC AVENUE, BLOCK 18, LOT 4.**

- R-9-2022-221** RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON 20 CARLTON AVENUE, BLOCK 169.12, LOT 12.
- R-9-2022-222** RESOLUTION AUTHORIZING A CONTRACT WITH DONNELLY ENERGY, INC. FOR THE REPLACEMENT OF TWO (2) BOILERS AT THE SENIOR CENTER UNDER THE DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES. (80/20 Direct Install Program – Total Cost \$122,832.72; Township Share \$24,566.54 to be paid over sixty months)
- R-9-2022-223** RESOLUTION AUTHORIZING THE APPOINTMENT OF TRICIA MERCADO AS TAX ASSESSOR FOR THE TOWNSHIP OF MONROE. (9/1/22 – 6/30/23)
- R-9-2022-224** RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER’S AGREEMENT BY AND BETWEEN ABEEL ROAD JCG ASSOCIATES, LLC. AND THE TOWNSHIP OF MONROE FOR WATER SERVICES FROM THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (25 Abeel Road)
- R-9-2022-225** RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR BRASUSA CONSTRUCTION, INC. PROJECT BA-5149-17. (Union Hill Road)
- R-9-2022-226** RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE AND SAFETY AND STABILIZATION GUARANTEE UPON THE ACCEPTANCE OF MAINTENANCE GUARANTEES POSTED FOR BARCLAY BROOK ESTATES – PB-1202-18. (Buckelew Avenue)
- R-9-2022-227** RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1084DOM, BLOCK 56, LOT 9.04, - PB #1103-11 (“M.T.U.D.”). (Stonaker Road)
- R-9-2022-228** RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1108.1, PHASE 3A, MONROE PARKE, (MH A-40-41) PB #1141.13 (“M.T.U.D.”). (Mounts Mills Road)
- R-9-2022-229** RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.
- R-9-2022-230** RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.
- R-9-2022-231** RESOLUTION AUTHORIZING THE SALE OF VEHICLES AND SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE TO BE CONDUCTED BY GOVDEALS.COM.
- R-9-2022-232** RESOLUTION AUTHORIZING AWARD OF A (2) TWO-YEAR CONTRACT TO L & L PAVING CO, INC. FOR BID NO. 515, “PATCH PAVING AND CONCRETE REPAIR” BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (per unit pricing – estimated contract total \$101,831.20)
- R-9-2022-233** RESOLUTION AUTHORIZING THE PURCHASE OF ELECTROMAGNETIC FLOW METERS FROM ENDRESS+HAUSER USING THE NORTH JERSEY COOPERATIVE PRICING SYSTEM (NJWCPS) STATE APPROVED COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$39,439.87)
- R-9-2022-234** RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH CME ENGINEERING, INC. IN CONNECTION WITH THE BFI REPUBLIC LANDFILL ODOR STUDY – 2nd AIR MONITORING ANALYSIS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$40,057)

- R-9-2022-235** **RESOLUTION AUTHORIZING AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT WITH H2M ASSOCIATES, INC FOR ADDITIONAL PUBLIC OUTREACH AND ANALYSIS IN CONNECTION WITH THE MASTER PLAN. (Additional \$35,000)**
- R-9-2022-236** **RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULICS SYSTEM, DUMP TRUCK BODY AND ACCESSORIES FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$128,651.37) (In conjunction with R-6-2022-169)**
- R-9-2022-237** **RESOLUTION AUTHORIZING A CONTRACT WITH DONNELLY ENERGY, INC.FOR THE REPLACEMENT OF FOURTEEN (14) ROOF TOP UNITS AT THE COMMUNITY CENTER UNDER THE DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES. (80/20 Direct Install Program – Total Cost \$723,186.25; Township Share \$144,637.25 to be paid over sixty months)**
- R-9-2022-238** **RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY LIGHTING & EQUIPMENT FOR TWO POLICE PATROL UNITS FOR THE MONROE TOWNSHIP POLICE DEPARTMENT. (\$31,800.86) (In conjunction with R-6-2021-172)**
- R-9-2022-239** **RESOLUTION DECLARING CONRACTOR DEFAULT AND AUTHORIZING THE TOWNSHIP TO TAKE ACTION AGAINST THE PERFORMANCE BOND POSTED BY ASSUNCAO BROTHERS, INC. FOR THE FOR THE SPOTSWOOD GRAVEL HILL ROAD AND MATCHAPONIX/PERGOLA INTERSECTION IMPROVEMENTS PROJECT.**
- R-9-2022-240** **RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) 2022 JOHN DEERE MOWERS FROM DEERE & COMPANY UNDER THE NEW JERSEY STATE CONTRACT FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$22,318.40)**
- R-9-2022-241** **RESOLUTION AUTHORIZING THE PURCHASE OF A HEAVY-DUTY TIRE MACHINE FROM PARTS AUTHORITY LLC. FOR THE MONROE TOWNSHIP DEPARMENT OF PUBLIC WORKS. (\$21,331.27)**
- R-9-2022-242** **RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE CAB UTILITY TRACTOR WITH SIDE & REAR MOWERS FROM POWER PLACE, INC. UNDER NEW JERSEY STATE CONTRACT FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$88,039.42)**
- R-9-2022-243** **RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE COMPACT UTILITY TRACTOR FROM DEERE & COMPANY USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM (ESCNJ) FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$82,176.56)**
- R-9-2022-244** **RESOLUTION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SETTLEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND U.S. HOME CORPORATION D/B/A LENNAR, LORI GARDEN ASSOCIATES, LLC, et al. DOCKET NO. MID-L-6302-19. (Stonebridge)**
- R-9-2022-245** **RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT 496 “SODIUM HYDROXIDE” WITH UNIVAR SOLUTIONS USA, INC. BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (\$1.7952/gal effective July 1, 2022 for remainder of contract)**

R-9-2022-246 **RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULICS SYSTEM, SNOW PLOW AND SALT SPREADER FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$105,472.19)**

R-9-2022-247 **RESOLUTION AUTHORIZING TO ENTER INTO CLOSED EXECUTIVE SESSION. (To be voted on separately)**
(Pending Litigation update – No Council action will be taken)

Councilman Dipierro requested Resolutions R-9-2022-217, R-9-2022-223, R-9-2022-226, R-9-2022-230 and R-9-2022-234 be removed and considered separately.

UPON MOTION made by Councilwoman Schneider and seconded by Councilman Dipierro, 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 Resolutions R-9-2022-218 through R-9-2022-221; Administrator Weinberg explained that these resolutions are to release the liens on these properties that participated in our rehab program as the terms have expired.

Mr. Gunkelman questioned Resolution R-9-2022-228 which is the release of performance guarantees for water and sewer, stating that the water and sewer cuts through Mounts Mills Road are rough and asked at what point are they going to repave, as in his opinion the roadway settled but did not meet the performance guarantee for road cutting in his opinion. Engineer Rasimowicz answered that the performance guarantee does cover the repaving of the roadway and there is some repaving of Mounts Mills Road at the end of the construction.

Mr. Gunkelman asked what the status of the agreement for Resolution R-9-2022-234 is; Administrator Weinberg answered that this was for the 2nd air monitoring for BFI as the Mayor and Council decided to do another monitoring because the first one was inconclusive.

Lastly, Mr. Gunkelman asked what is in the agreement for Resolution R-9-2022-244; Administrator Weinberg answered that the Township took legal action against Lennar for site work punch list items that were outstanding at Stonebridge and those items have been completed or will be completed shortly.

Pat Schwalje, 586A Madison Dr. – Ms. Schwalje asked why Councilman Dipierro would want to remove R-9-2022-230 to be considered separately; Councilman Dipierro explained that he has a conflict which is why he asked to have that resolution considered separately.

UPON MOTION made by Councilman Dipierro 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 Schneider and seconded by Councilman Dipierro, the Agenda Meeting was Adjourned at 7:17pm.

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 Regular Meeting was Called to Order at 7:17pm.

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 Schneider, the **CLAIMS** per run date of **9/1/2022** 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 Council Vice-President Van Dzura and seconded by Councilwoman Schneider, the **MINUTES** of the **August 1, 2022 Combined Agenda and Regular Meeting** 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 Councilwoman Schneider and seconded by Councilwoman Siegel, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-9-2022-018 **ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MONROE UNDER CHAPTER 122 ARTICLE XIII TO AUTHORIZE THE POLICE TO ENFORCE TITLE 39 OF THE NEW JERSEY MOTOR VEHICLE CODE IN RENAISSANCE AT MONROE.**
(Traffic Enforcement in Renaissance @ Monroe – Route 33)

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 Schneider, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-9-2022-019 **ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF MONROE, COUNTY OF MIDDLESEX, ENTITLED “ADMINISTRATION OF GOVERNMENT”, SPECIFICALLY SECTION 50 ENTITLED “DIVISION OF POLICE”. (Authorizing additional Command Officer positions)**

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, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-9-2022-020 **ORDINANCE AUTHORIZING THE GRANT OF A STREAM CORRIDOR CONSERVATION EASEMENT TO THE DELAWARE AND RARITAN CANAL COMMISSION OVER A PORTION OF TOWNSHIP PROPERTY (BLOCK 4, LOTS 6.01 & 6.02) AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT AGREEMENT.**
(Applegarth Rd – adjacent to Community Garden)

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 Councilman Dipierro, the following Resolutions were moved for Adoption under the **CONSENT AGENDA:** (R-9-2022-217 – R-9-2022-246 with the exception of R-9-2022-217, R-9-2022-223, R-9-2022-226, R-9-2022-230 and R-9-2022-234 which will be voted upon separately)

**R-9-2022-218 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT AND
LIEN ON 33 FOREST PARK TERRACE, BLOCK 169.19, LOT 9.**

WHEREAS, on January 19, 2012, Diane M. Bader (“Bader”) entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Bader 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 March 15, 2012, in Mortgage Book 14668 on Page 0684; and

WHEREAS, the Affordable Housing Lien states 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, 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 annexed hereto as Exhibit “A”; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by Bader is 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 “B”.

SO RESOLVED, as aforesaid.

**R-9-2022-219 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT AND
LIEN ON 165 RIVER ROAD, BLOCK 169, LOT 3.03.**

WHEREAS, on January 24, 2000, Brian & Tracy Binner (“Binner’s”) entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting the Binner’s from selling or conveying title to the property for a period of six 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 February 13, 2007, in Mortgage Book 12170 on Page 0166; and

WHEREAS, the Affordable Housing Lien states that “the terms, restrictions and covenants of this Agreement shall automatically expire six (6) years from the date that the housing rehabilitation work was completed”; 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 annexed hereto as Exhibit “A”; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by the Binner’s 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 “B”.

SO RESOLVED, as aforesaid.

**R-9-2022-220 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT AND
LIEN ON 6 SUMAC AVENUE, BLOCK 18, LOT 4.**

WHEREAS, on November 21, 2011, Stuart & Frances B. Cohn (“Cohn’s”) entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting the Cohn’s 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 February 23, 2012, in Mortgage Book 14632 on Page 0305; and

WHEREAS, the Affordable Housing Lien states 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, 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 annexed hereto as Exhibit “A”; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by the Cohn’s is 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 “B”.

SO RESOLVED, as aforesaid.

**R-9-2022-221 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT AND
LIEN ON 20 CARLTON AVENUE, BLOCK 169.12, LOT 12.**

WHEREAS, on November 23, 2011, Sharon Tyrrell (“Tyrrell”) entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Tyrrell 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 13, 2013, in Mortgage Book 15445 on Page 0659; and

WHEREAS, the Affordable Housing Lien states 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, 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 annexed hereto as Exhibit “A”; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by Tyrrell is 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 “B”.

SO RESOLVED, as aforesaid.

**R-9-2022-222 RESOLUTION AUTHORIZING A CONTRACT WITH DONNELLY
ENERGY, INC. FOR THE REPLACEMENT OF TWO (2) BOILERS
AT THE SENIOR CENTER UNDER THE DIRECT INSTALL
PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF
PUBLIC UTILITIES. (80/20 Direct Install Program – Total Cost
\$122,832.72; Township Share \$24,566.54 to be paid over sixty months)**

WHEREAS, the Board of Public Utilities has established the Direct Install Program (hereinafter called “the Program”) which provides energy efficiency grants which target small facilities with a peak demand of less than 250kw and provides up to 80% for the cost of eligible energy efficient upgrades; and

WHEREAS, the Program operates through participating contractors designated by the BPU who perform program services including the initial energy assessment to identify equipment to be replaced, arranging for program approval of the chosen improvements, and performing the actual equipment replacement pursuant to established and set pricing for all participating contractors; and

WHEREAS, Public Service Electric & Gas (PSE&G), has certified by letter dated May 11, 2022, a copy of which is attached hereto, that Donnelly Energy has been selected as the result of a competitive bid process, and is authorized to provide on site energy installation projects in Middlesex County; and

WHEREAS, the PSE&G approved contractor, Donnelly Energy, submitted a proposal for the replacement of two boilers at the Senior Center at a total cost of \$122,832.72; and

WHEREAS, the Township’s cost share for this project is \$24,566.54, to be paid at the rate of \$409.44 a month for a period of sixty (60) months with no interest.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Monroe that the Mayor and Township Clerk are authorized to execute a contract with Donnelly Energy, 557 Route 23 South Wayne, N.J. 07470, for the replacement of two boilers at the Senior Center located at 12 Halsey Reed Road.

SO RESOLVED, as aforesaid.

R-9-2022-224 RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER’S AGREEMENT BY AND BETWEEN ABEEL ROAD JCG ASSOCIATES, LLC. AND THE TOWNSHIP OF MONROE FOR WATER SERVICES FROM THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”). (25 Abeel Road)

WHEREAS, ABEEL ROAD JCG ASSOCIATES, LLC (the “Developer”) is the developer of certain real property known as Block 55.01, Lot 8 in the Township of Monroe, County of Middlesex, State of New Jersey (hereinafter referred to as the “Property”); and

WHEREAS, the Developer sought and received from the Monroe Township Planning Board (the “Board”) a Preliminary and Final Major Site Plan Approval With Bulk Variances under Application No. 1227-20 subject to certain conditions further set forth herein in connection with the proposed construction of a one-story warehouse/office building with 44,400 square foot gross floor area (the “Project”), which was adopted by the Board on March 25, 2021 and memorialized April 22, 2021 by a Resolution of Approval; and

WHEREAS, the Developer has requested water service for the Project from the Monroe Township Utility Department (“MTUD.”); and

WHEREAS, after analysis and review, MTUD has determined it is in its best interest to enter into a Developer’s Agreement in a form substantially similar to the form attached hereto as **Exhibit A** in order to provide the Project with water service; and

WHEREAS, the Township Attorney has reviewed the attached Developer’s Agreement; and

WHEREAS, execution of the attached Developer’s Agreement in form substantially similar to the form attached hereto and subject to the approval of the Township Attorney is in the best interests of the Township of Monroe; and

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 Mayor and Township Clerk be and are hereby authorized to execute the Developer’s Agreement with ABEEL ROAD JCG ASSOCIATES, LLC, for the purpose of providing water services to the Project, attached hereto and made a part hereof.

SO RESOLVED, as aforesaid.

R-9-2022-225 RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE GUARANTEES POSTED FOR BRASUSA CONSTRUCTION, INC. PROJECT BA-5149-17. (Union Hill Road)

WHEREAS, Brasusa Construction Inc. posted Performance Guarantees in the amount of \$1,426,400.21 for Block 37, Lot 12 project (BA-5149-17); and

WHEREAS, Resolution No. R-6-2021-167 adopted by the Monroe Township Council at their June 28, 2021 council meeting authorized the first reduction in performance guarantees; and

WHEREAS, in correspondence Brasusa Construction Inc. has requested a second reduction in Performance Guarantees posted; and

WHEREAS, pursuant to Section 108-13.1 F and G of the Code of the Township of Monroe, the Township Engineer has inspected the work performed and the work to be completed and has recommended the Township Council approve the second reduction of the Performance Guarantees, as detailed in his letter dated August 9, 2022, a copy of which is attached hereto as Exhibit A, as follows:

	<u>Bond Portion</u>	<u>Cash Portion</u>
Current	\$1,015,659.36	\$112,851.04
Reduce to	\$ 811,754.13	\$ 90,194.90

; 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 Performance Guarantees posted for the BA-5149-17 project be reduced, as reflected in the Township Engineer’s letter annexed hereto. This approval for reduction of Performance Guarantees is conditioned upon the provision of replacement guarantees and the resolution of any outstanding balances attached to project escrow accounts; and

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

SO RESOLVED, as aforesaid.

R-9-2022-227 **RESOLUTION AUTHORIZING A REDUCTION OF PERFORMANCE GUARANTEES POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1084DOM, BLOCK 56, LOT 9.04, - PB #1103-11 (“M.T.U.D.”).**
(Stonaker Road)

WHEREAS, Matrix 259 Prospect Plains LLC has posted a Performance Guarantee for W&S 1084 DOM, Block 56, lot 9.04; and

WHEREAS, Matrix 259 Prospect Plains LLC has requested a 70% reduction in the Performance Guarantee posted 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 August 19, 2022, a copy of which is attached hereto as Exhibit "A":

Performance Bond #S327885 in the amount of \$265,200.00 to be reduced to \$79,560.00.

WHEREAS, the Township Council has reviewed and hereby approves the MTUD Director's recommendation;

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 Performance Guarantee posted for W&S 1084 DOM 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-9-2022-228 **RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT FOR W&S 1108.1, PHASE 3A, MONROE PARKE, (MH A-40-41) PB #1141.13 (“M.T.U.D.”).**
(Mounts Mills Road)

WHEREAS, JSM @ Monroe, LLC has posted a Performance Guarantee for W&S 1108.1 – Monroe Parke for Phase 3a, manhole 40-41; and

WHEREAS, JSM @ Monroe, LLC has requested the release of the Performance Guarantee posted for section 3a of the project; and

WHEREAS, This manhole run has been bonded in another section of the project, as detailed in a letter dated August 19, 2022, a copy of which is attached hereto as Exhibit "A":

Performance Bond #S316871 in the amount of \$43,200.00 to be released in full to the developer.

Cash Performance Guarantee in the amount of \$4,800.00 be returned in full to the developer.

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

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 Performance Guarantee posted for W&S 1108.1, section 3a, Mh 40-41 be returned as reflected above and the MTUD letter annexed hereto; 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-9-2022-229 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 Two-Hundred Twenty-Five Thousand Seven-Hundred dollars and no cents (\$225,700.00),

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-9-2022-231 RESOLUTION AUTHORIZING THE SALE OF VEHICLES AND
SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR
PUBLIC USE ON AN ONLINE AUCTION WEBSITE TO BE
CONDUCTED BY GOVDEALS.COM.**

WHEREAS, the Township of Monroe has determined that various vehicles and Miscellaneous Equipment listed on Schedule "A" as attached hereto and incorporated herein are no longer needed for public use: and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Monroe wishes to utilize the online auction services of GovDeals Inc., 100 Capital Commerce Blvd, Suite 110, Montgomery, Alabama 36117, in accordance with the Local Public Contracts Law, N.J.S.A.40A:11-36;

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 Township is hereby authorized to sell the Township vehicles and miscellaneous equipment described on the attached Schedule "A" on an online auction website entitled www.govdeals.com and Monroe Township's website at www.monroetwp.com in accordance with the terms and conditions attached hereto and made a part hereof with said auction to be held October 12 - 19, 2022; and

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded by the Township Clerk to the following:

Alan Weinberg, Business Administrator
GovDeals, Inc.
Greg Slavicek, DPW

SO RESOLVED, as aforesaid.

**R-9-2022-232 RESOLUTION AUTHORIZING AWARD OF A (2) TWO-YEAR
CONTRACT TO L & L PAVING CO, INC. FOR BID NO. 515,
"PATCH PAVING AND CONCRETE REPAIR" BY THE
MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").
(per unit pricing – estimated contract total \$101,831.20)**

WHEREAS, on August 18, 2022, two (2) sealed bids were received, publicly opened, and read aloud by the Monroe Township Utility Department Purchasing Agent for Contract 515, "Patch Paving and Concrete Repair", required by the M.T.U.D.; and

WHEREAS, the M.T.U.D. Purchasing Agent, after review with the Director, has recommended in a letter dated August 18, 2022, that a two-year contract be awarded to the low bidder L & L Paving Company, Inc. of Farmingdale NJ, based upon the total of *unit pricing and estimated quantities* contained within their bid documents (\$101,831.20) per annum, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Township Council has reviewed and hereby consents to the award of bid based upon the recommendations of the M.T.U.D. Purchasing Agent; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Finance Officer has certified availability of funds in Certificate No. M-220027, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(d)(1)(ii), multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent governing body; and

WHEREAS, 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 (2) two-year contract with two optional (1) one-year extension terms with acceptance by L & L Paving Company, Inc. for the Patch Paving and Concrete Repair for Monroe Township Utility Department; 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) The Mayor and Township Clerk are hereby authorized to enter into a (2) two-year contract L & L Paving Company, Inc. in accordance with their submitted bid;

(2) The Municipal Chief Financial Officer is hereby authorized and directed to pay invoices for material delivered by L & L Paving Company, Inc. in accordance with their contract;

(3) The contracts are awarded through the competitive bidding process as a fair and open contract in accordance with the Local Public Contracts Law;

(4) This contract is awarded with the stipulation that L & L Paving Company, Inc. shall provide a properly executed certificate of insurance, performance bond, and Certification of Paying Prevailing Wages as required by the specifications.

SO RESOLVED, as aforesaid.

R-9-2022-233

RESOLUTION AUTHORIZING THE PURCHASE OF ELECTROMAGNETIC FLOW METERS FROM ENDRESS+HAUSER USING THE NORTH JERSEY COOPERATIVE PRICING SYSTEM (NJWCPS) STATE APPROVED COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D."). (\$39,439.87)

WHEREAS, the Monroe Township Utility Department has the need to replace its flow meters at various water well facilities to improve accuracy, long term stability and online verification of flow measurements; and

WHEREAS, the state approved NJWCPS has awarded Contract #B270-14 "Furnish and deliver various manufacturers equipment and spare parts for a 2 (two) year period", which includes the required flow meters, to Endress+Hauser; and

WHEREAS, the Township of Monroe has applied for membership to the NJWCPS, and will be approved at the Passaic Valley Sewerage Commission's (the lead agency) September meeting; and

WHEREAS, Endress+Hauser of Greenwood Indiana has submitted a proposal for said required flowmeters in the amount of \$39,439.87, a copy of which is attached hereto as Exhibit B; and

WHEREAS, it is required by law that any like commodity purchase which exceeds the bid threshold of the Township (\$44,000.00) in aggregate, be authorized by the governing body; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Municipal Finance Officer has certified availability of funds in Certificate No. M-220028 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 M.T.U.D. Purchasing Agent to purchase said electromagnetic flow meters from Endress+Hauser based on the proposal provided, using the state approved NJWCPS subject to membership approval by the PVSC; and

(2) The Township Chief Municipal Finance Officer is hereby authorized and directed to pay invoices for said computer equipment delivered by Endress Hauser.; and

(3) The contracts are awarded through this Cooperative Purchasing Program 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.

(4) This authorization to purchase said goods via the NJWCPS coop is contingent upon approval by the PVSC accepting the Township of Monroe as member of the coop.

SO RESOLVED, as aforesaid.

**R-9-2022-235 RESOLUTION AUTHORIZING AMENDMENT TO A
PROFESSIONAL SERVICES CONTRACT WITH H2M
ASSOCIATES, INC FOR ADDITIONAL PUBLIC OUTREACH
AND ANALYSIS IN CONNECTION WITH THE MASTER PLAN.
(Additional \$35,000)**

WHEREAS, the Township of Monroe and H2M Associates, Inc. are parties to a Professional Services Contract per Resolution No. R-12-2020-277 for a public outreach consultant in connection with the Master Plan; and

WHEREAS, the Township of Monroe and H2M Associates, Inc. amended their Professional Services Contract per Resolution No. R-3-2021-081 to provide for planning services for the Township's comprehensive Master Plan; and

WHEREAS, there is a need to amend the Professional Services Contract with H2M Associates, Inc. to provide for public outreach and preparation for the Township's comprehensive Master Plan; and

WHEREAS, the fee to amend the contract for the additional services is an additional Thirty-Five Thousand Dollars (\$35,000.00); and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds for such an engagement in Certificate No. C-2000067 a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Township Council, upon its review, authorizes the amendment to the Professional Services Contract with H2M Associates, Inc. to provide for public outreach and preparation for the Township's comprehensive Master Plan; and

WHEREAS, The Department of Finance is hereby authorized and directed to pay Invoices for services rendered by **H2M Associates, Inc.** under a Professional Services Contract in connection with the Township's Master Plan, including public outreach and preparation for a comprehensive Master Plan with a Circulation Element and a public outreach consultant; for an additional amount not to exceed Thirty-Five Thousand Dollars (\$35,000.00).

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 Mayor and Township Clerk are hereby authorized and directed to execute the attached amendment to the Professional Services Contract to provide public outreach and preparation for the Township's comprehensive Master Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED, a notice of this action shall be printed in the Homes News Tribune.

SO RESOLVED, as aforesaid.

**R-9-2022-236 RESOLUTION AUTHORIZING THE PURCHASE OF A
HYDRAULICS SYSTEM, DUMP TRUCK BODY AND
ACCESSORIES FROM TRIUS, INC. USING THE
EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY
(ESCNJ) COOPERATIVE PURCHASING PROGRAM
FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC
WORKS. (\$128,651.37) (In conjunction with R-6-2022-169)**

WHEREAS, the Monroe Township Department of Public Works has the need to purchase a hydraulics system, dump truck body, snowplow, and a salt spreader that are to be installed on a Freightliner SD 114 Cabin Chassis; 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 hydraulics system, dump truck body, snowplow, and salt spreader, including installation is **\$128,651.37**; 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-2200055 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-9-2022-237 RESOLUTION AUTHORIZING A CONTRACT WITH DONNELLY ENERGY, INC. FOR THE REPLACEMENT OF FOURTEEN (14) ROOF TOP UNITS AT THE COMMUNITY CENTER UNDER THE DIRECT INSTALL PROGRAM SPONSORED BY THE NEW JERSEY BOARD OF PUBLIC UTILITIES. (80/20 Direct Install Program – Total Cost \$723,186.25; Township Share \$144,637.25 to be paid over sixty months)

WHEREAS, the Board of Public Utilities has established the Direct Install Program (hereinafter called “the Program”) which provides energy efficiency grants which target small facilities with a peak demand of less than 250kw and provides up to 80% for the cost of eligible energy efficient upgrades; and

WHEREAS, the Program operates through participating contractors designated by the BPU who perform program services including the initial energy assessment to identify equipment to be replaced, arranging for program approval of the chosen improvements, and performing the actual equipment replacement pursuant to established and set pricing for all participating contractors; and

WHEREAS, Jersey Central Power & Light (JCP&L), has submitted documentation about its Direct Installment Program, a copy of which is attached hereto, that Donnelly Energy has been selected as the result of a competitive bid process, and is authorized to provide on site energy installation projects in Middlesex County; and

WHEREAS, the JCP&L approved contractor, Donnelly Energy, submitted a proposal for the replacement of fourteen roof top units at the Community Center at a total cost of \$723,186.25; and

WHEREAS, the Township’s cost share for this project is \$144,637.25, to be paid at the rate of \$2,410.62 per month for a period of sixty (60) months with no interest.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Monroe that the Mayor and Township Clerk are authorized to execute a contract with Donnelly Energy, 557 Route 23 South, Wayne, N.J. 07470, for the replacement of fourteen roof top units at the Community Center located at 120 Monmouth Road.

SO RESOLVED, as aforesaid.

**R-9-2022-238 RESOLUTION AUTHORIZING THE PURCHASE OF
EMERGENCY LIGHTING & EQUIPMENT FOR TWO POLICE
PATROL UNITS FOR THE MONROE TOWNSHIP POLICE
DEPARTMENT. (\$31,800.86) (In conjunction with R-6-2021-172)**

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Resolution R-6-2021-172 authorized the purchase of two (2) new patrol units for the Monroe Township Police Department; and

WHEREAS, the Monroe Township Police Department has the need to purchase emergency lighting and equipment to outfit these two (2) patrol units, from *East Coast Emergency Lighting, 200 Meco Drive, Millstone, NJ 08535*, who will be coordinating the collection and installation of the equipment by **Whelen**, an authorized vendor under the State of New Jersey Cooperative Purchasing Program under **NJ State Contract No. 17-FLEET-00761**, **Havis**, an authorized vendor under the State of New Jersey Cooperative Purchasing Program under **NJ State Contract No. 17-FLEET-00719** and **Progard**, an authorized vendor under the State of New Jersey Cooperative Purchasing Program under **NJ State Contract No. 17-FLEET-00768**; and

WHEREAS, the Township QPA by copy of letter dated August 23, 2022, recommends the award of contract to *East Coast Emergency Lighting, 200 Meco Drive, Millstone, NJ 08535*, in the amount of **\$31,800.86**; and

WHEREAS, the award of contract is subject to the compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.; any contractor, subcontractor of business firm agree and guarantee to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the affirmative action plan approved under the terms established in the above-cited regulations;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex that it has rendered its advice and hereby consents to the award of contract, to *East Coast Emergency Lighting* for emergency lighting and equipment for a total contract price of **\$31,800.86**; and

WHEREAS, the Township's Certified Municipal Finance Officer has determined that sufficient funds are available, as evidenced by Certificate No. C-2200056, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the Certified Municipal Finance Officer is hereby authorized and directed to pay *East Coast Emergency Lighting* in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that *East Coast Emergency Lighting* 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-9-2022-239 RESOLUTION DECLARING CONTRACTOR DEFAULT AND
AUTHORIZING THE TOWNSHIP TO TAKE ACTION AGAINST
THE PERFORMANCE BOND POSTED BY ASSUNCAO
BROTHERS, INC. FOR THE FOR THE SPOTSWOOD GRAVEL
HILL ROAD AND MATCHAPONIX/PERGOLA INTERSECTION
IMPROVEMENTS PROJECT.**

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

WHEREAS, on April 16, 2020 NGM Insurance (hereinafter referred to as "Surety") issued Performance Bond No. S328552 in the amount of \$1,105,032.80 to assure completion of the Project; and

WHEREAS, the Township Engineer issued several notices to Assuncao Brothers, Inc. detailing the incomplete work on the Project; and

WHEREAS, on July 27, 2022 the Township Attorney also sent a letter and identified several outstanding items to be completed on the Project and demanded that Assuncao Brothers, Inc. correct the deficiencies within thirty (30) days; and

WHEREAS, Assuncao Brothers, Inc. has failed to diligently complete the necessary work in a timely manner; and

WHEREAS, the Performance Bond requires a municipal declaration of default with notice to Assuncao Brothers, Inc and to Surety; and

WHEREAS, the law firm of Rainone Coughlin Michello, LLC is prepared to issue a formal notification to Assuncao Brother Inc. and Surety on a municipal declaration of default, in substantially similar form attached hereto 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, declares that:

1. Assuncao Brothers Inc., is in default of its obligation to complete the intersection improvements at Spotswood Gravel Hill and Matchaponix/Pergola Avenue (CR612).
2. The Township Attorney is hereby authorized to take any and all action necessary to obtain payment of Performance Bond No. S328552 from NGM Insurance Company due to Assuncao Brothers Inc.'s failure to complete the Project.
3. Any Surety funds received shall be used to pay for the cost of completing the intersection improvements, including professional engineering and attorney fees incurred by the Township relating thereto.

SO RESOLVED, as aforesaid.

**R-9-2022-240 RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2)
2022 JOHN DEERE MOWERS FROM DEERE & COMPANY
UNDER THE NEW JERSEY STATE CONTRACT FOR THE
MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.
(\$22,318.40)**

WHEREAS, the Monroe Township Public Works Department, has the need to purchase (2) 2022 John Deere Z950M Ztrak 60SD Mowers under the NJ State Contract No. T3129 Zero Turn Mower 22-FLEET-10063 (PG AG CG 22) from *Deere & Company* an authorized vendor under the NJ State Contract; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, the Quotations received are for (2) 2022 John Deere Z950M Ztrak 60SD Mowers with the purchase price totaling twenty two thousand three hundred eighteen dollars and forty cents (**\$22,318.40**) as reflected in the quotations attached hereto; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No. C-2200057 a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey, hereby authorizes a contract be entered into with *Deere & Company, 2000 John Deere Run, Cary, N.C. 27513* for the purchase of (2) 2022 John Deere Z950M Ztrak 60 SD Mowers, at a total contract price in the amount of **\$22,318.40**.

SO RESOLVED, as aforesaid.

**R-9-2022-241 RESOLUTION AUTHORIZING THE PURCHASE OF A HEAVY-
DUTY TIRE MACHINE FROM PARTS AUTHORITY LLC. FOR
THE MONROE TOWNSHIP DEPARMENT OF PUBLIC WORKS.
(\$21,331.27)**

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, the Monroe Township Department of Public Works, has the need to purchase a heavy duty tire machine for the mounting and installation of heavy-duty truck tires for the Township's fleet vehicles, from *Parts Authority, LLC, 535 Milltown Road, North Brunswick, NJ 08902*; and

WHEREAS, the details are as follows:

<u>Quantity</u>	<u>Item</u>	<u>Price</u>
1	Hunter TCX635PHD Heavy Duty Tire Machine	\$21,331.27

WHEREAS, the Township QPA by copy of letter dated August 25, 2022, recommends the award of contract to *Parts Authority, LLC, 535 Milltown Road, North Brunswick, NJ 08902*, in the amount of **\$21,331.27**; and

WHEREAS, the award of contract is subject to the compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.; any contractor, subcontractor of business firm agree and guarantee to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the affirmative action plan approved under the terms established in the above-cited regulations;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex that it has rendered its advice and hereby consents to the award of contract, to *Parts Authority, LLC* for a Hunter TCX635PHD Heavy Duty Tire Machine for a total contract price of **\$21,331.27**; and

WHEREAS, the Township's Certified Municipal Finance Officer has determined that sufficient funds are available, as evidenced by Certificate No. C-2200058, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED that the Certified Municipal Finance Officer is hereby authorized and directed to pay *Parts Authority, LLC* in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that *Parts Authority, LLC* 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-9-2022-242 RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE CAB UTILITY TRACTOR WITH SIDE & REAR MOWERS FROM POWER PLACE, INC. UNDER NEW JERSEY STATE CONTRACT FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$88,039.42)

WHEREAS, the Monroe Township Department of Public Works, has the need to purchase a 2022 John Deere 5100E Cab Utility Tractor equipped with a side mount Diamond mower DSF075-3 and a rear mount Diamond mower DRF 102 OF under the NJ State Contract No. T3084 from *Power Place Inc.* an authorized vendor under the NJ State Contract; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, the Quotations received are for a 2022 John Deere 5100E Cab Utility Tractor equipped with a side mount Diamond mower DSF075-3 and a rear mount Diamond mower DRF 102 OF with the purchase price totaling eighty eight thousand thirty nine dollars and forty two cents (**\$88,039.42**) as reflected in the quotations attached hereto; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No. C-2200059, a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey, hereby authorizes a contract be entered into with *Power Place Inc., 297 Route 22 East, Whitehouse Station, N.J. 08889* for the purchase of a 2022 John Deere 5100E Cab Utility Tractor equipped with a side mount Diamond mower DSF075-3 and a rear mount Diamond mower DRF 102 OF, at a total contract price in the amount of **\$88,039.42**.

SO RESOLVED, as aforesaid.

R-9-2022-243 RESOLUTION AUTHORIZING THE PURCHASE OF A 2022 JOHN DEERE COMPACT UTILITY TRACTOR FROM DEERE & COMPANY USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM (ESCNJ) FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$82,176.56)

WHEREAS, the Monroe Township Public Works Department has the need for one (1) 2022 John Deere 3046R Compact Utility Tractor with multiple attachments; and

WHEREAS, the State Approved Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) has awarded a contract to Deere & Company, 2000 John Deere Run, Cary, N.C. 27513 for this equipment under its contract number ESCNJ 18/19-25 for the purchase as follows:

2022 John Deere 3046R Compact Utility Tractor w/ attachments -	<u>\$82,176.56</u>
Total -	\$82,176.56

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, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Financial Officer has certified availability of funds in Certificate No. C-2200060 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 Public Works Department to purchase said 2022 John Deere 3046R Compact Utility Tractor with multiple attachments from Deere & Company using the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program contract 18/19-25; and

(2) The Township Chief Financial Officer is hereby authorized and directed to pay invoices to Deere & Company for the above purchase; and

(3) The contracts are awarded through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCP) 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-9-2022-244 RESOLUTION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SETTLEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF MONROE AND U.S. HOME CORPORATION D/B/A LENNAR, LORI GARDEN ASSOCIATES, LLC, et al. DOCKET NO. MID-L-6302-19.
(Stonebridge)

WHEREAS, on September 26, 2019, the Township filed a lawsuit against Defendants under the caption of Township of Monroe v. U.S. Home Corporation d/b/a Lennar, et al. Superior Court of New Jersey, Law Division, Docket No. MID-L-6302-19 (hereinafter "the Litigation") due to unfinished site improvements on the Community covered by the Performance Bonds; and

WHEREAS, the Defendants filed an Answer and denied all claims and allegations asserted by the Township in the Litigation and asserted Counterclaims; and

WHEREAS, on or about August 24, 2006, as memorialized by Resolution on September 28, 2006, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC., to construct a residential housing development in Monroe known as Greenbriar at Stonebridge – Phase I, Section 6, at Monroe (“Stonebridge Phase I, Section 6” PB-1011-06; Fidelity Bond No. 08862549); and

WHEREAS, on or about March 1, 2021, the council released the performance guarantees upon the acceptance of a maintenance guarantee; and

WHEREAS, on or about July 22, 2004, as memorialized by Resolution on August 26, 2004, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC. to construct a residential housing development in Monroe known as Greenbriar at Stonebridge Phase I, Section 1 (“Stonebridge Phase I, Section 1” PB-906-04; Fidelity Bond No. 08821683); and

WHEREAS, a Cash Bond of \$49,360.22 is the current balance for Fidelity Bond No. 08821683; and

WHEREAS, as a condition of approval for Stonebridge Phase I, Section 1, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements; and

WHEREAS, the performance guarantee for Stonebridge Phase I, Section 1 was made by Fidelity on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$1,480,806.45. In September 2007, the amount was reduced to \$444,241.94; and

WHEREAS, on or about July 22, 2004, as memorialized by Resolution on August 26, 2004, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC., to construct a clubhouse at the Community ("Stonebridge Clubhouse" PB-906-04: Fidelity Bond No. 08821696); and

WHEREAS, the current Cash Bond balance for the Fidelity Bond No. 08821696 is \$129,719.54; and

WHEREAS, as a condition of approval for Stonebridge Clubhouse, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements; and

WHEREAS, the performance guarantee for Stonebridge Clubhouse was made by Fidelity on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$3,891,586.19. In September 2007, the amount was reduced to \$1,167,475.86; and

WHEREAS, on or about March 25, 2010, as memorialized by Resolution on March 25, 2010, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC. to construct Phase 2, Section 8A of the Community ("Stonebridge Phase 2, Section 8A" PB-1080-10; Continental Bond No. 929505542); and

WHEREAS, the current Cash Bond balance for the Continental Bond No. 929505542 is \$56,639.47; and

WHEREAS, as a condition of approval for Phase 2, Section 8A, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements; and

WHEREAS, the performance guarantee for Stonebridge Phase 2, Section 8A was made by Continental on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$1,376,348.87. In April 2011, the amount was reduced to \$509,755.20; and

WHEREAS, on or about April 28, 2011, as memorialized by Resolution on May 26, 2011, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC., to construct Phase 2, Section 8B of the Community ("Stonebridge Phase 2, Section 8B" PB-1094-10: Continental Bond No. 929539752); and

WHEREAS, the current Cash Bond balance for the Continental Bond No. 929539752 is \$56,695.84; and

WHEREAS, as a condition of approval for Stonebridge Phase 2, Section 8B, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements. The performance guarantee for Stonebridge Phase 2, Section 8B was made by Continental on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$1,610,875.07. In December 2012, the amount was reduced to \$483,262.52; and

WHEREAS, On or about February 28, 2013, as memorialized by Resolution on April 3, 2013, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC., to construct a residential housing development in Monroe known as Greenbriar at Stonebridge Phase 2, Section 10 ("Stonebridge Phase 2, Section 10" PB-1125-12: Continental Bond: 929582946); and

WHEREAS, the current Cash Bond balance for the Continental Bond No. 929582946 is \$61,745.77; and

WHEREAS, as a condition of approval for Stonebridge Phase 2, Section 10, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements. The performance guarantee for Stonebridge Phase 2, Section 10 was made by Continental on behalf of Lori Gardens Associates, II, LLC and Lennar ("Principals"). The original amount of the performance guarantee was \$1,120,659.29. In November 2014, the amount was reduced to \$555,711.89; and

WHEREAS, on or about February 23, 2012, as memorialized by Resolution on March 22, 2012, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC. to construct Phase 2, Perimeter Only of the Community (“Stonebridge Phase 2, Perimeter Only” PB-945-05; Continental Bond No. 929501250); and

WHEREAS, the current Cash Bond balance for the Continental Bond No. 929501250 is \$54,110.93; and

WHEREAS, as a condition of approval for Stonebridge Phase 2, Perimeter Only, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements. The performance guarantee for Stonebridge Phase 2, Perimeter Only was made by Continental on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$1,623,327.88. In March 2011, the amount was reduced to \$486,998.36; and

WHEREAS, on or about February 23, 2012, as memorialized by Resolution on March 22, 2012, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC. to construct Phase 2, Section 9 of the Community (“Stonebridge Phase 2, Section 9” PB-1108-11: Liberty Mutual Bond No. 024022996); and

WHEREAS, the current Cash Bond balance for the Liberty Mutual Bond No. 024022996 is \$67,647.99; and

WHEREAS, as a condition of approval for Stonebridge Phase 2, Section 9, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the installation and maintenance of necessary and appropriate improvements. The performance guarantee for Stonebridge Phase 2, Section 9 was made by Liberty Mutual on behalf of Lori Gardens Associates, II, LLC and U.S. Home. The original amount of the performance guarantee was \$1,504,746.94. In April 2014, the amount was reduced to \$608,831.93; and

WHEREAS, on or about February 23, 2012, as memorialized by Resolution on March 22, 2012, the Monroe Township Planning Board approved an application by Lori Gardens Associates II, LLC. to construct a residential housing development in Monroe known as Greenbriar at Stonebridge Phase 2, Section 10 Partial Storm (“Stonebridge Phase 2, Section 10 Partial Storm” PB-1108-11 Liberty Mutual Bond No. 024022995); and

WHEREAS, the current Cash Bond balance for the Liberty Mutual Bond No. 024022995 is \$22,429.03; and

WHEREAS, as a condition of approval for Stonebridge Phase 2, Section 10 Partial Storm, and in accordance with N.J.S.A. §40:55D-53a(1) and Monroe Ordinance §108-13.1, Monroe required the posting of a performance guarantee for the purpose of assuring the Installation and maintenance of necessary and appropriate improvements. The performance Guarantee for Stonebridge Phase 2, Section 10 Partial Storm was made by Liberty Mutual on behalf of Lori Gardens Associates, II, LLC and Lennar (“Principals”). The original amount of the performance guarantee was \$672,870.91. In November 2014, the amount was reduced to \$201,861.27; and

WHEREAS, the Parties have agreed to settle their differences, compromise, and fully resolve amicably all claims and causes of action asserted, of which could have been asserted, by the Township against the Defendants in the Litigation;

WHEREAS, in consideration for the settlement and release of the Township’s claims against the Parties, the Township will release the Performance Subdivision Bonds and cash portion upon the Defendants completion of the improvements described in Exhibit “A” of the settlement agreement and payment of the engineering inspection invoices; and

WHEREAS, the Parties wish to enter into this Agreement attached hereto, setting forth the terms, conditions, responsibilities, and obligations of the Parties; and

WHEREAS, it is in the best interests of the Township to enter into this Agreement; 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. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.
2. The Mayor and Township Clerk be and are hereby authorized to execute the Settlement Agreement with the Defendants, for the purpose of memorializing the obligations and commitments of the Township and the Insurance Companies and the Township Attorney is authorized to take the necessary actions to formalize and finalize the terms of the Agreement.

3. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

R-9-2022-245 RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT 496 “SODIUM HYDROXIDE” WITH UNIVAR SOLUTIONS USA, INC. BY THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).
(\$1.7952/gal effective July 1, 2022 for remainder of contract)

WHEREAS, December 7, 2020 the Township Council awarded Univar a three (3) year contract for the supply of Sodium Hydroxide (Resolution # R-12-2020-263) for the Monroe Township Utility Department as shown below:

2021 – \$1.3186/gal. 2022 - \$1.4775/gal. 2023 – 1.7952/gal. ;and

WHEREAS, the world markets raw materials for the chemicals which we require for water treatment has been affected by supply chain issues related to covid-19; and

WHEREAS, Univar USA, Inc. has requested a contract price increase of .31 cents per gallon for the remainder of their current 2022 contract to account for their substantial increase, which the M.T.U.D. Purchasing Agent negotiated down to an increase of .15 cents; and

WHEREAS, said increase to the 2022 price would run July 1, 2022 to December 31, 2022 at which time pricing would revert to the year 2023 contract pricing of \$1.7952/gal. for the remainder of the contract; and

WHEREAS, the M.T.U.D. Purchasing Agent, after review with the M.T.U.D. Director, has recommended in a letter dated July 26, 2022 that Univar should be awarded Amendment #1 price increase of .15/gal. for the remainder of 2022, a copy of which is attached hereto as Exhibit “B”; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Municipal Finance Officer has certified availability of funds in Certificate No. M-200023 a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, 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 Amendment #1 to Univar for “Sodium Hydroxide” for Monroe Township Utility Department; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.5(d)(1)(ii), multi-year contracts entered into for periods in excess of twelve (12) months shall be certified and charged to the respective budgets in accordance with the time(s) at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by a subsequent governing body.

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

(1) The Mayor and Township Clerk are hereby authorized to enter award Amendment #1 to Contract 496 to Univar Solutions USA, Inc.;

(2) The Township Chief Municipal Finance Officer is hereby authorized and directed to pay invoices for material delivered by Univar Solutions USA, Inc. in accordance with their bid;

(3) The contracts are awarded through the competitive bidding process as a fair and open contract in accordance with the Local Public Contracts Law;

(4) Payments required in excess of the initial twelve (12) months are contingent upon necessary funds being appropriated in future budgets by the governing body.

SO RESOLVED, as aforesaid.

R-9-2022-246 RESOLUTION AUTHORIZING THE PURCHASE OF A HYDRAULICS SYSTEM, SNOW PLOW AND SALT SPREADER FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS. (\$105,472.19)

WHEREAS, the Monroe Township Department of Public Works has the need to purchase a hydraulics system, snowplow, and salt spreader that are to be installed on a 2015 International Tandem

Roll-off 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 hydraulics system, snowplow, and salt spreader, including installation is **\$105,472.19**; 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-2200061 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.

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-9-2022-217, R-9-2022-223, R-9-2022-226, R-9-2022-230 and R-9-2022-234)

R-9-2022-217 RESOLUTION AUTHORIZING EXPENDITURE FROM THE TREE ESCROW FUND. (Removal of 45 Ash Trees - \$18,430)

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-2200054, 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 \$18,430.00 for the removal of approximately 45 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-9-2022-223 RESOLUTION AUTHORIZING THE APPOINTMENT OF TRICIA MERCADO AS TAX ASSESSOR FOR THE TOWNSHIP OF MONROE. (9/1/22 – 6/30/23)

WHEREAS, N.J.S.A. 40A:9-146 requires every Municipality to provide for the appointment of a Tax Assessor; and

WHEREAS, the current tenured Tax Assessor has retired their position; and

WHEREAS, the Honorable Stephen Dalina, Mayor of the Township of Monroe, by copy of letter dated July 28, 2022 has appointed **TRICIA MERCADO** as Tax Assessor for the Township of Monroe commencing September 1, 2022, *nunc pro tunc*; and

WHEREAS, the Administrative Code of the Township of Monroe requires the Advice and Consent of the Council for the above appointment.

WHEREAS, the assessor will hold public office hours Monday through Friday from 8:30 a.m. to 4:30 p.m.; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the Township Council hereby provides its Advice and Consents to the appointment of **TRICIA MERCADO** as **TAX ASSESSOR** commencing September 1, 2022 and expiring on June 30, 2023.

NOW THEREFORE BE IT FURTHER RESOLVED, this resolution was duly adopted by the Township Council at a public meeting held on September 7, 2022 to appoint a full time Tax Assessor.

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be forwarded to the following:

1. Director, Division of Taxation
2. Administrator, Board of Taxation
3. Administrator of the Municipality
4. Tax Assessor

SO RESOLVED, as aforesaid.

R-9-2022-226 RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE AND SAFETY AND STABILIZATION GUARANTEE UPON THE ACCEPTANCE OF MAINTENANCE GUARANTEES POSTED FOR BARCLAY BROOK ESTATES – PB-1202-18. (Buckelew Avenue)

WHEREAS, **Gary Fleischauer** has posted a Performance Guarantee for the Barclay Brook Estates project on Block 62, Lots 15.02 and 16 - PB-1202-18; and

WHEREAS, in conformance with the provisions of the NJ State Municipal Land Use Law relative to project performance guarantees (N.J.S.A 40:55D-53), it is the recommendation of the Township Engineer that the Township Council release this project's **Performance Guarantee** upon the posting of a maintenance guarantee in the amount of **\$45,222.43**; and

WHEREAS, **Gary Fleischauer** has posted a Safety and Stabilization Guarantee for the Barclay Brook Estates project on Block 62, Lots 15.02 and 16 - PB-1202-18; and

WHEREAS, in conformance with the provisions of the NJ State Municipal Land Use Law relative to project performance guarantees (N.J.S.A 40:55D-53), it is the recommendation of the Township Engineer that the Township Council release this project's **Safety and Stabilization Guarantee** upon the posting of a maintenance guarantee in the amount of **\$2,282.46**; 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 Guarantee and the Safety

and Stabilization Guarantee posted for the Barclay Brook Estates project on Block 62, Lots 15.02 and 16 - PB-1202-18, be released as reflected in the Township Engineer's letters dated July 19, 2022, attached hereto.

BE IT FURTHER RESOLVED, the approval for release of the Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$45,222.43** and approval for release of the Safety and Stabilization Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$2,282.46**. Such maintenance guarantees 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 feels the funds currently being held in escrow with the township will be sufficient.

SO RESOLVED, as aforesaid.

R-9-2022-230 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 Twenty-Six Thousand Eight Hundred and Twenty-Five dollars and Fifty-Four cents (\$26,825.54) for the amounts described on Schedule A and attached hereto; and

WHEREAS, good cause has been shown; and

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-9-2022-234 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITH CME ENGINEERING, INC. IN CONNECTION WITH THE BFI REPUBLIC LANDFILL ODOR STUDY – 2ND AIR MONITORING ANALYSIS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D"). (\$40,057)

WHEREAS, the Township of Monroe seeks professional engineering services in connection with the BFI Republic Landfill Odor Study – 2nd Monitoring Event; and

WHEREAS, CME Engineering, Inc. possesses the technical expertise required to perform said professional engineering consulting services for this project; and

WHEREAS, the fees for such services will not exceed forty thousand fifty seven dollars (**\$40,057.00**);; and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds for such an engagement in Certificate No. M-210018, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for "professional engineering consulting services" without competitive bids and further provides that the contract itself must be available for public inspection; and

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 Mayor and Township Clerk be and are hereby authorized and directed to execute the attached contract with *CME Engineering Inc., 3759 Highway 1 South, Suite 100, Monmouth Junction, NJ 08852*, in accordance with the Agreement annexed hereto;
- (2) The Department of Finance is hereby authorized and directed to pay Invoices for services rendered by CME Engineering, Inc. for the professional engineering services in connection with the BFI Landfill Odor Study – 2ND Monitoring Event in an amount not to exceed forty thousand fifty seven dollars (**\$40,057.00**);

- (3) The Contract is awarded with the stipulation that **CME Engineering, Inc.** shall include within the Contract Mandatory Affirmative Action language and shall submit to the Township of Monroe any appropriate Affirmative Action document within the time period prescribed by law;
- (4) A notice of this action shall be printed once in the Home News Tribune.

SO RESOLVED, as aforesaid.

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 – Administrator Weinberg advised of a downed telephone pole which fell diagonally across Perrineville Road and Schoolhouse Road causing the schools and municipal building to have a two hour delay this morning. He stated that Verizon has been working throughout the day and will continue working into the evening until this is fixed.

Highlighted the 80/20 Direct Install Program which was approved at tonight's meeting. This program will upgrade our Recreation Center and Senior Center to make them more energy efficient, with 80% of costs to be paid by the State and 20% to be paid by the Township.

Administrator Weinberg gave an overview of the Council's decision to move forward with a 2nd air monitoring done at the BFI site as the first one done came back inconclusive.

Thanked Township Attorney Lou Rainone for his leadership on the Lennar settlement.

Shared that our DPW will be purchasing a new tandem truck, plow and salt spreader, which was approved at this meeting.

Extended congratulations for all who were recognized at tonight's meeting, as well as, Tricia Mercado in her new role as tax assessor.

Engineer's Report – Engineer Rasimowicz reported that the paving on Costco Drive was completed a few weeks ago, thanks in part to a \$600,000 NJDOT grant.

Repaving of Prospect Plains Road is expected to begin next week.

The milling and paving will start tomorrow for the 2022 Roadway Improvements Project.

Council's Reports –

Councilwoman Siegel –

- Shared that she attended the India Independence Day celebrations held at Rossmoor hosted by Agraj Seva Kendra.
- Attended a presentation at the Library given by County Surrogates Office on wills and probates.
- The Cultural Arts Commission will be presenting "Queen Flash" at the Performing Arts Center on Friday, September 9th.
- Annual Green Fair will be held on October 15, 2022, at the high school from 10am – 3pm.
- Announced the Historic Preservation Commission will be hosting their vintage baseball game on Saturday, September 24th from 12pm – 3:30pm at the Dey Farm.

Councilwoman Schneider –

- Grateful as a flood victim in Rossmoor for the hard work Mayor Dalina has done in securing an extra \$1 million from the State to help mitigate the flooding issues in the community.
- Gave an update on the Office of Aging, noting that each month the numbers continue to increase with the amount of people registering. She reported that over 2,000 residents utilized the transportation services last month which is a testament to how our population is growing.
- Noted the importance of our employees being trained to use the AED.
- Highlighted that Saturday, September 10th there will be a car show at the Senior Center. There is no fee for admission, but a suggested donation of a non-perishable food item is appreciated. The rain date will be Sunday, September 11th.

- Reminded all the Octoberfest is around the corner being held on Sunday, October 23rd at the Recreation Center from 12pm to 4pm and is free to attend.
- Sunday, September 11th ceremonies will take place at Veteran's Park.

Councilman Dipierro –

- Reminded all that school has started and it is important to drive safe and be aware.
- Stated that reflectors are needed on all guard rails on roadways, such as Federal and Perrineville Road, as there are none throughout the entire stretch of roadway on both.
- Sat through the presentation of the draft review of the Master Plan and heard the comments from residents. He suggested that Perrineville Road is widened; noted that there was no mention of a downtown “main street” commercial zone; the need of a shopping center is of great concern to the residents, as well as the concern about water. He suggested that we have a presentation about water and we get a clear picture as to what the next ten years will look like for our residents and what the supply will look like.
- Gave a shout out to MTUD and Director Stroin for their work in fixing a water main break that had them working until 4am.
- Regarding BFI, Councilman Dipierro stated that he is concerned with the contractor who has the contract to build the pump station because if we cannot obtain this easement how much longer can we hold the contractor over before getting into a legal issue. He added that we need to tell residents what is happening with the pump station as we need to get it up and running because it is very important. Attorney Rainone stated that the eminent domain process will be filed and Administrator Weinberg added.
- Asked for an update regarding the Matchaponix intersection as there are issues on the road that need to be repaired, like the trench which needs to be addressed before Winter. Engineer Rasimowicz agreed that the roadway will not last through the Winter months and asked if there was something we can do because it is of concern; Administrator Weinberg answered that we have authorized to take the bond at tonight's meeting.
- Congratulated Tricia Mercado in her new role as tax assessor and is confident that she will do an amazing job as she knows Monroe well and knows her responsibilities very well.

Council Vice-President Van Dzura –

- Reminded everyone that it has been over 6 months now that Russia has invaded Ukraine.
- Reported that New Jersey has received \$4.6 million dollars in cannabis tax sale revenues.
- Sunday, September 11th will be the 21st anniversary of 9/11; remembrance ceremonies will be held beginning at 8:46am at Veteran's Park.
- Tomorrow from 12pm – 7:30m at Fiddlehead's restaurant in Jamesburg they will be having a benefit in which 15% of total food and beverage purchases will be donated to REPLENISH.
- Reminded everyone to be aware since it is back to school time.
- Complimented that the new well at the intersection of Matchaponix Avenue and Spotswood Englishtown Road is coming along beautifully.
- Regarding the Rossmoor flood mitigation, Mayor Dalina was able to get the State to earmark \$1 million dollars which is nice to see our tax dollars being put towards a good cause.
- Lastly, shared that we have received a state grant for two electric vehicles for the Township which is great.

Council President Cohen – No Report.

Mayor's Report – Mayor Dalina noted that at our last meeting a few very important ordinances were passed, including the police station expansion and turf field and he extended thanks to the Council for working together to get those passed and continue to make Monroe great.

Bid farewell to Summer and thanked all the counselors who worked hard to have another successful camp. Extended a special thanks to the campers at Mt. Sepa who gifted him with a handmade card.

Reminded all that with the school year starting it is important to be aware and drive safely.

September is Childhood Cancer Awareness Month; the municipal building trees are adorned with gold ribbons to commemorate the lives taken too soon and the survivors who face many challenges in dealing with these diagnoses.

One year ago, we dealt with Tropical Storm Henri which devastated numerous units in Rossmoor; happy to report that our County and State Officials have listened to us and we have been granted \$1 million for mitigating the Rossmoor area.

Urged all to continue to make their voices heard regarding the Master Plan draft review.

Middlesex County will be moving forward in paving Prospect Plains Road from Applegarth Road to

Perrineville Road.

Thanked Tricia Mercado for all her hard work as deputy tax assessor and congratulated her in her new role as tax assessor.

Lastly, Mayor Dalina reminded of the 9/11 ceremonies being held at Veteran's Park on Sunday, September 11th, adding that this is one of the most important duties as Mayor is to ensure that we never forget what happened that day, as well as, the lives forever lost and changed.

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

PUBLIC COMMENTS:

Various Members of Agraj Seva Kendra – Members of Agraj Seva Kendra, an organization working out of Monroe Township, thanked the Mayor and Council for supporting their organization during all their functions they have which support the youth and STEM programs for the youth.

Pat Schwalje, 586A Madison Dr. – Ms. Schwalje asked for the correct pronunciation of Perrineville Road.

Ms. Schwalje commented that the training of the Township employees to use the AED is of utmost importance as she has learned that we have a tremendous population of senior citizens.

Lastly, commented regarding the Master Plan draft review in saying that she is overjoyed at the stabilization of the tax rate and understands that some of these items discussed in the Master Plan draft review are needed. She added that she is confident that the Mayor and Council will do what is needed to continue to keep our taxes stable, as well as, meeting the needs of the residents of our Township.

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman discussed the prevalence of scams within our community and stated that these predators need to be prosecuted. Mr. Gunkelman urged our Mayor and Council to discuss with our elected officials within the State as to what can be done to stop these scams. Mayor Dalina commented that we take educating our public on these scams very seriously, as well as, our Police Department who has gone out to share tips and preventative measures to ensure our residents stay safe and avoid these predators. He shared an experience that his mother went through in which she was scammed for a large sum of money with the well known "grandparent scam".

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.

Council President Cohen read aloud Resolution R-9-2022-247.

R-9-2022-247

RESOLUTION AUTHORIZING TO ENTER INTO CLOSED EXECUTIVE SESSION.

(Re: Updates on Pending Litigation – No Council action will be taken)

WHEREAS, the Township Council is mindful of the right of the public to attend and witness meetings of the Governing Body and to be involved in all phases of action taken; and

WHEREAS, the Open Public Meetings Act recognizes the authority of a public body to exclude the public from meetings in certain enumerated instances in which disclosure of matters discussed could endanger public safety, property or other public interest or invade individual privacy; and

WHEREAS, as authorized by the Open Public Meetings Act, N.J.S.A. 10:4-12(b), the Township Council may meet in private session to discuss any of the following matters:

- 1- Matters expressly rendered confidential by law;
- 2- Matters the disclosure of which would jeopardize the receipt of federal funds;
- 3- Matters threatening unwarranted invasion of individual privacy;
- 4- Matters affecting collective bargaining of public employees;
- 5- Matters involving acquisition of real property with public funds or investment of public funds, where disclosures would jeopardize such acquisition or investments;
- 6- Tactics and techniques utilizing in protection of public safety or property; matters concerning investigations of violations or possible violations of law;
- 7- Matters affecting pending or anticipated litigation to which the public body may be party; matters within the attorney client privilege;

- 8- Personnel matters concerning the employment, appointment evaluation, promotion or termination of a public officer or employee;
- 9- Deliberations which may result in the imposition of civil penalty or the suspension or loss of license or permit.

NOW, THEREFORE, BE IT RESOLVED that in compliance with N.J.S.A. 10:4-12, the Township Council of the Township of Monroe shall go into Closed Executive Session on September 7, 2022 to discuss the matters of two pending litigations; Lt. Solomons and the Bald Eagle litigations, and the public shall be excluded from this portion of the meeting.

BE IT FURTHER RESOLVED, following the executive session, there shall be no formal action taken on the above matter.

BE IT FURTHER RESOLVED, the minutes of the Closed Executive Session shall be kept by the Township Clerk, and once the need for exclusion of the public no longer exists, then the minutes shall be made available to the public.

SO RESOLVED, as aforesaid.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilman Dipierro, Resolution R-9-2022-247 was moved for Adoption with the **Executive Session** starting at 8:08pm.

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 Schneider and seconded by Councilman Dipierro, the **Executive Session** was closed at 8:24pm.

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 Councilwoman Schneider, the Regular Meeting was Adjourned at 8:24pm.

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

Christine Robbins

CHRISTINE ROBBINS, Township Deputy Clerk

Miriam Cohen

MIRIAM COHEN, Council President

Minutes were adopted on October 3, 2022.