

**MINUTES
REGULAR COUNCIL MEETING
TOWNSHIP OF MONROE
MAY 8, 2012**

A.) OPENING CEREMONIES

CALL TO ORDER

The Regular Council Meeting of the Township of Monroe was called to order at approximately 8:00 PM by **Cncl. Pres., Frank Caligiuri** in the Court Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official publications for Monroe Township (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex.

Cncl. Pres., Frank Caligiuri stated the Clerk has placed a sign-in sheet at the rear of the Court Room. If anyone would like to address Council during the Public Portion, please sign in and you will be asked to come forward to the microphone. Kindly state your name for the record.

SALUTE TO FLAG - INVOCATION

Cncl. Ronald Garbowski led the assembly in the Pledge of Allegiance to Our Flag and **Pastor Mike Schneck** of Williamstown Assembly of God Church offered the Invocation.

ROLL CALL OF TOWNSHIP OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Frank Caligiuri	Present	
Mayor Michael Gabbianelli		Excused
Solicitor, Charles Fiore	Present	
Business Adm., Kevin Heydel	Present	
Engineer, Dave Cella	Present	
Dir. Finance, Jeff Coles	Present	
Dir. Of Code Enforcement, George Reitz	Present	
Dir. Of Public Safety, Jim Smart		Excused
Dir. Of Public Works, Bob Avis	Present	
Deputy Clerk, Sharon Wright	Present	

PRESENTATIONS - None

APPROVAL OF MINUTES

Cncl. Ronald Garbowski made a motion to approve as submitted the minutes of the Council Work Session and Regular Council Meeting of April 24, 2012. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council.

B.) CORRESPONDENCE

- **Carnival Permits**
Whitehall PTA Spring Fair
Holly Glen HSA Spring Fair

Cncl. Daniel Teefy made a motion to approve Carnival Permits for Whitehall PTA Spring Fair and Holly Glen HAS Spring Fair. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

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C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Resolutions Scheduled-Public Portion. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council. With no one wishing to speak **Cncl. William Sebastian** made a motion to close the Resolutions Scheduled-Public Portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council.

Cncl. Pres., Caligiuri noted Resolution R:109-2012 would be addressed following the Closed Executive Session.

R:106-2012 Resolution Of The Township Of Monroe In The County Of Gloucester, State Of New Jersey, Determining And Certifying Amounts To Be Raised For School Taxes For The 2012-2013 School Year

Cncl. Walter Bryson made a motion to approve Resolution R:106-2012. The motion was seconded by **Cncl. William Sebastian**.

ROLL CALL VOTE TO APPROVE RESOLUTION R:106-2012 - ALL AYES

Tally: 7 Ayes, 0 Nays, 0 Abstain, 0 Absent. Resolution R:106-2012 was duly approved for adoption.

R:107-2012 Resolution Approving The Bill List For The Council Meeting Of May 8, 2012

Cncl. Walter Bryson made a motion to approve Resolution R:107-2012. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

R:108-2012 Resolution Authorizing Closed Executive Session Of The Township Council Of The Township Of Monroe To Discuss An Active Litigation Matter (Blaze Mill Development)

Cncl. Walter Bryson made a motion to approve Resolution R:108-2012. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

R:110-2012 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Waiver Of Plumbing And Electrical Permit Fees On Behalf Of The Township Of Monroe For The Williamsburg Village Water Main Extension Project

Cncl. Daniel Teefy made a motion to approve Resolution R:110-2012. The motion was seconded by **Cncl. William Sebastian**.

**ROLL CALL VOTE TO APPROVE RESOLUTION R:110-2012
5 AYES, 2 ABSTAIN (Bryson, Garbowski)**

Tally: 5 Ayes, 0 Nays, 2 Abstain, 0 Absent. Resolution R:110-2012 was duly approved for adoption.

R:111-2012 Resolution Of The Township Council Of The Township Of Monroe Supporting Senate President Sweeney's Property Tax Relief Plan

Cncl. Ronald Garbowski made a motion to approve Resolution R:111-2012. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council.

R:112-2012 Resolution Adjusting Township Of Monroe Tax Records For Block 11902, Lot 6

Cncl. Ronald Garbowski made a motion to approve Resolution R:112-2012. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

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D.) ORDINANCES

Cncl. Pres., Frank Caligiuri turned this portion of the meeting over to Ordinance Committee Chairman, Cncl. William Sebastian.

O:14-2012 An Ordinance To Amend Sections 175-54C And 175-151.1 Of The Zoning Ordinance Of The Township Of Monroe To Conform Wireless Transmission Facilities Review To Present Law

First Reading: A copy of this ordinance was posted on the bulletin board at the Municipal Complex. Additional copies were made available to the public.

Cncl. Ronald Garbowski made a motion to approve Ordinance O:14-2012 for First Reading and Publication. The motion was seconded by Cncl. Daniel Teefy and unanimously approved by all members of Council.

O:15-2012 An Ordinance To Amend Section 175-135.G.(8) And Section 175-135.L Of The Zoning Ordinance Of The Township Of Monroe Regarding Signs And Penalties For Violations

First Reading: A copy of this ordinance was posted on the bulletin board at the Municipal Complex. Additional copies were made available to the public.

Cncl. Ronald Garbowski made a motion to approve Ordinance O:15-2012 for First Reading and Publication. The motion was seconded by Cncl. Rich DiLucia and unanimously approved by all members of Council.

O:16-2012 An Ordinance To Amend Sections 175-90.C.(2), E(2) And E(6) Of The Zoning Ordinance Of The Township Of Monroe Regarding Agriculture And Animals In Certain Areas Of The Township

First Reading: A copy of this ordinance was posted on the bulletin board at the Municipal Complex. Additional copies were made available to the public.

Cncl. Ronald Garbowski made a motion to approve Ordinance O:16-2012 for First Reading and Publication. The motion was seconded by Cncl. Daniel Teefy and unanimously approved by all members of Council.

E.) REPORTS AND OTHER MATTERS - None

F.) GENERAL PUBLIC DISCUSSION

Cncl. William Sebastian made a motion to open the General Public Discussion. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council. With no one wishing to speak Cncl. Marvin Dilks made a motion to close the General Public Discussion. The motion was seconded by Cncl. Daniel Teefy and unanimously approved by all members of Council.

**At this time Council entered into Closed Executive Session
to discuss the Blaze Mill Litigation**

Upon reconvening the Regular Council Meeting Solicitor Fiore made the following statement: Council just concluded a Closed Executive Session where the subject matter discussed was the Blaze Mill Settlement Agreement referenced in R:108-2012. Before the Governing Body this evening is Resolution R:109-2012 that deals with that settlement agreement. Before Council would take action on the agreement they discussed changes to the proposed agreement. Those changes are as follows:

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Proposed Changes to the Blaze Mill Settlement Agreement

- Included within the body of the settlement agreement will be language indicating that the developer and or plaintiff in the case shall provide right-of-way as required, agreed upon and approved by the State and County with respect to Fries Mill Road and State Route 322.
- Mr. Fiore referred to the actual proposed form of the settlement of litigation and noted for the record Page 4 as well as throughout the entire agreement refers to a proposed ordinance as "Exhibit A". He noted for the record that the proposed ordinance is not in its final format and when it is adopted through the regular course of business the ordinance itself should reference the settlement agreement that is before Council for consideration this evening. The proposed ordinance in its current form refers to the commercial portion of the development as 12 acres when it should actually be *15 acres* and in the body under Section III. A (2.) it references minimum lot size as 2,000 feet and that should actually be *2,000 square feet*. Council also reserves the right to amend the ordinance as they see fit because there may be other typos or areas that are not very clear and were not picked up this evening.
- Page 5, Section (a.), in the part of sentence that reads "*the location of which shall be at the discretion of Blaze Mill*" shall be changed to "*at the discretion of the Planning Board*".
- Page 6, Section (c.), and carries to Page 7, refers to a municipal improvement fee of \$25,000.00. The language should be that "*the fee will be in addition to the real estate taxes that are currently being paid on the undeveloped land*". That undeveloped land is 15 acres.
- Page 8 (ii.) references tot lot. "*Tot lot will be deleted*". Section (iii.) usable open space "*will include the acreage that was to be the tot lot*". Mr. Fiore gave the example that if (ii.) was going to be ½ acre for the tot lot and (iii.) was ½ acre for the open space it will now be 1 acre of usable open space.

Mr. Fiore indicated those are the proposed changes that were discussed for the proposed settlement agreement which is up for consideration by the Governing Body this evening.

C.) RESOLUTIONS SCHEDULED (cont'd)

R:109-2012 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute A Settlement Agreement In The Litigation Captioned "Blaze Mill Development Group, LLC Vs. Monroe Township, Et Al.", Docket No. Glo-L-0000675-09

Cncl. William Sebastian made a motion to approve Resolution R:109-2012 with the revisions as stated. The motion was seconded by Cncl. Daniel Teefy.

Cncl. Pres., Frank Caligiuri made the following comments for the record. Mr. Paparone, the owner or licensed owner of this property for the purpose of developing the property, has every reasonable right to develop the property as he sees fit within reason. I think that the final settlement agreement for this property is very reasonable, it's actually everything I can expect and more for what could happen to this property if it went through the normal channels. My issue with this agreement is the convoluted way that the developer brought this to market. The project should have gone through the Zoning Board for a use variance and it probably would have been passed by the Zoning Board because it is a reasonable use. Instead the developer brought this to the township as a Builder's Remedy Lawsuit for compliance of COAH and presented a plan to build 600 plus COAH units in a high density area, which is even more high density than the immediate area. Essentially it struck me more as a threat and it also looked to me as if the developer was trying to keep this from the normal board decision process.

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C.) RESOLUTIONS SCHEDULED (cont'd)

Cncl. Walter Bryson noted he would like to make some comments in addition to Cncl. Pres., Caligiuri's comments about how this was brought to the township. He noted what he would like to see done at the next Council Meeting is for Council to consider reinstating our COAH agreement or developing a brand new one, as that would prevent Builder's Remedy Lawsuits in the future. Solicitor Fiore noted it is his understanding from the many conversations he has had with Mary Beth Loneragan that once this goes before the Superior Court for the Fairness Hearing the township will be protected from any further Builder's Remedy Lawsuits. Cncl. Bryson noted he does not want Mary Beth Loneragan to be our COAH Master; he wants this township, the people and this Council to be the master of the COAH in this town. Our COAH agreement was thrown out because we wanted the court to make the decision on how we did our COAH assignments but we have come to the point where we need an agreement regardless of where COAH is right now. We need an agreement, we need to discharge the Master and we need to take our own destiny in our own hands and formulate our own agreement for the State to approve this time instead of one that sits somewhere in limbo. Cncl. Bryson urged Council to consider his request.

**ROLL CALL VOTE TO APPROVE RESOLUTION R:109-2012 AUTHORIZING THE
MAYOR TO EXECUTE A SETTLEMENT AGREEMENT IN THE BLAZE MILL
DEVELOPMENT GROUP, LLC VS. MONROE TOWNSHIP LITIGATION**

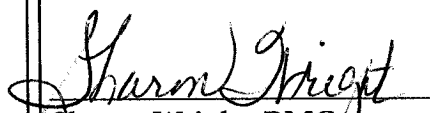
4 AYES (Dilks, Garbowski, Sebastian, Teefy), 2 NAYS (Bryson, DiLucia)
Cncl. Pres., Caligiuri requested to be listed as not voting on the measure

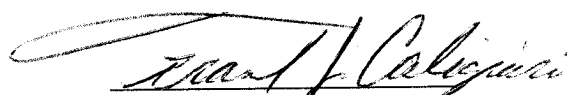
Tally: 4 Ayes, 2 Nays, 0 Abstain, 0 Absent, 1 Not Voting. Resolution R:109-2012 was duly approved by Council.

G.) ADJOURNMENT

With nothing further to discuss Cncl. William Sebastian made a motion to adjourn the Regular Council Meeting of May 8, 2012. The motion was seconded by Cncl. Marvin Dilks and unanimously approved by all members of Council.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. Pres., Frank Caligiuri
Presiding Officer

These minutes were prepared from excerpts of the tape-recorded proceedings of the Regular Council Meeting of May 8, 2012 and serve as only a synopsis of the proceedings. The official tape may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted sw
Approved as corrected _____

Date 5/02/12
Date _____