

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
JULY 24, 2012**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Frank J. Caligiuri** at approximately 7:00 PM in the Conference Room on the first floor 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, Courier Post and the Sentinel of Gloucester County). A copy of that notice has been posted on the bulletin board at the Municipal Complex.

SALUTE TO OUR FLAG – Cncl. Daniel Teefy led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC 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 J. Caligiuri	Present	
Mayor, Michael Gabbianelli	Present	(Arrived 7:10PM)
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz	Present	(Arrived 7:30PM)
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

Cncl. President, Frank Caligiuri advised council members they would be receiving a copy of the Audit for 2011 as it had just been received in the Clerk's Office. He noted he would like to schedule a "Special Meeting" to approve the resolution with regard to the Audit as this is required by state statute. He indicated this meeting could be scheduled for Wednesday, August 1st at 7:00PM, just prior to the Ordinance Committee Meeting. It was the consensus of council to move forward in scheduling the Special Meeting.

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B. MATTERS FOR DISCUSSION (cont'd)

- **Affordable Housing**

Tim Kernan, Township Planner was in attendance to update council members on some new developments associated with COAH and how the state is attempting to cease funds in whatever way they can. Mr. Kernan noted that he put together an outline (*distributed to council*) and proceeded to explain the content of such. The COAH Outline as submitted included such items as the:

- **Blaze Mill Agreement**, Mr. Kernan updated council members on the date of the Fairness and Compliance Hearing, which is scheduled for Wednesday, September 19, 2012 at 2:00PM. (*Notice of Hearing to Approve Settlement Agreement In The Matter of Blaze Mill Development Group, LLC v. Township of Monroe, Docket No. GLO-L-000675-09 P.W. and Compliance Hearing for the Township of Monroe, Gloucester County*). He also spoke briefly on the conditions before the hearing takes place and after the 3rd round stay and continued immunity from Mt. Laurel lawsuits. There was some discussion on who the Administrator for the affordable units would be. It seems there was talk of going with an outside agency with the solicitor indicating there must be an RFP prepared for such a position. Mr. Kernan noted that once the notice for the hearing has been posted Mary Beth Lonergan, COAH Master would be reaching out to himself as well as Mr. Fiore and Mr. Schwartz to give them some tasks before the hearing on September 19th. With questions posed and much discussion, Mr. Kernan noted that if all goes well with the hearing the town will not be subject to any future Builders Remedy Law Suits until the date is established for the submission of 3rd round compliance plans. This date is established by regulation, statute or decision of a court. Solicitor, Charles Fiore explained that the original 3rd round plan was to be valid until through 2018 but based upon the challenges coming down with the new regulations it may be 2018 or beyond that.

- **Affordable Housing Plan**, Mr. Kernan indicted the COAH master Mary Beth Lonergan must be comfortable with the Plan and she is still working on that. The first component of the plan is the 439 unit prior cycle, new construction obligation that has been satisfied. The second component is a 49-unit rehabilitation obligation. The final component is the unknown 3rd cycle fair share obligation and back in 2008 it was comprised of 441 units. Mr. Kernan then referred to the list of projects, included in his outline that will add up for our future obligations that would likely go through a 3rd round plan whenever that may be determined. Solicitor Fiore explained that COAH is a PLAN, the likelihood of any municipality ever building out 100% of their plan are probably slim to none with the way the economy is going. However, there should be a good faith effort to comply with the Plan. There was continued discussion on the things that need to be changed as they relate to COAH.

The Mayor then gave his feelings on the COAH program. He then advised council members of his disappointment with the County regarding the Genova property. It seems the township will not be able to build at that location when initially the County guaranteed us we could put a building on the property. He noted his displeasure with the County and his frustration with spending our money on this project.

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B.) MATTERS FOR DISCUSSION (cont'd)

Cncl. Walter Bryson spoke on New Jersey being the only state, out of 50, that administers their own affordable housing program; everything else is federally funded and federally administered. New Jersey is the only state in the union that does it this way. The legislature in this state must get some courage in this particular instance, there are many things in COAH that must be changed. One thing is the responsibility of those who receive the COAH housing.

Mr. Kernan then spoke briefly on market to affordable program, stemming from Blaze Mill, being 56 units. As he adds up our numbers included in the outline, we should have credits going forward to whatever 3rd round obligation of over 200 units. If our obligation were to be cut in half, we may already be there. He also noted that Mary Beth Lonergan feels we are in good shape and she has indicated that she will recommend to the court that Monroe be given a stay for the 3rd round.

• **Housing Trust Fund**, Mr. Kernan referred to a correspondence dated July 24, 2012 from the State of NJ Council on Affordable Housing to Mayor Gabbianelli in regard to the Municipal Affordable Housing Trust Fund Current Balance. Mr. Kernan explained that there is \$906.13 remaining in the trust fund that was to have been spent or committed to be spent by July 17th. Currently there is discussion as to the definition of *committed*. If it is found that these funds have not been committed, a check must be sent to the state in that amount by August 13, 2012. Mr. Kernan then advised of a recent court decision that just came down two weeks ago that the state cannot seize funds unless there is due process (*hearing*). **Cncl. Daniel Teefy** questioned the balance of the trust fund and with these funds how many homes could be built. Mr. Kernan advised there was still a balance in the trust fund, the balance is not \$900.00 it is in the area of a couple hundred thousand. **Cncl. William Sebastian** then noted this was money from 2008 and questioned if the law continued yearly. Monies received in 2009 must be spent by July, 2013 and then continuing each year. Mr. Kernan indicated "yes" as they say it is rolling. **Cncl. Sebastian** then noted this makes it so you can't accumulate money. There was continued discussion on this. The Solicitor explained that the legislature made the mechanism for the collection of COAH fees that would go into a dedicated trust fund for COAH purposes. Now, the governor is saying he would like to place the funds into the general fund to balance the budget. Discussion then took place on various items such as: the lack of funding for projects and the bonding process at it relates to COAH.

• **Spending Plan**, Mr. Kernan advised now that the Settlement Agreement has been signed there is a need to update the spending plan. There was a spending plan done back in 2008 that was not reviewed by COAH because we pulled out of COAH. However, there is a spending plan. Mary Beth Monroe is going to request that the plan be updated. He spoke of the possibility of having the spending plan focus on market to affordable. Again, he reiterated that Mary Beth Monroe will be reaching out to himself, Mr. Fiore and Mr. Schwartz both pre and post hearing after which we can speak on how to get the plan going. **Cncl. Walter Bryson** posed a question on any changes to the plan. Mr. Kernan explained that Ms. Monroe's conditions would not necessarily be just the plan. It will include the spending, the third party administrator, the market to affordable program

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B.) MATTERS FOR DISCUSSION (cont'd)

as well as moving the settlement agreement and the plans forward. We are not necessarily coming up with a new plan because there are no rules for a new plan. **Cncl. Walter Bryson** questioned if you still either have a court master or your own plan within these COAH arrangements, is it either/or now? The Solicitor responded "yes" and went on to give examples of neighboring communities and how they have been affected by numerous affordable housing lawsuits. He noted that Monroe other than the Rt. 322 litigation and the current litigation (*Blaze Mill*) there are no other Builders Remedy law suits that we have faced in the last twenty (20) years. Our ability to work with the court master and to work within the rules, as they exist, in the long run probably saved us much litigation. Through the court master, the courts, and the familiarity with the judges assigned to handle COAH for the county gave us much more flexibility then perhaps COAH would have. Mr. Kernan explained that Mary Beth Monroe will write a report between now and the settlement hearing, it will be a pretty exhaustive report and then she will equate that to the monies to the number of market to affordable units she feels the monies can purchase and rehab.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council.

Kathleen O'Connell – approached council members to speak on the possibility of installing some speed limit signs, or other type signs (*watch children, etc.*) throughout the Carriage Glen development. Mrs. O'Connell noted there are a lot of speeders in the back of the development with approximately thirty (30) children, of particular concern is Carriage Drive. **Mayor Gabbianelli** responded that the township would not install speed limit signs because it is a state statute that the speed limit is 25 mph in any development. He noted we could assist with some type of signage (*Watch Children, Slow, etc.*). The Mayor noted that Director of Public Works, Bob Avis will have our Supervisor of Roads inspect the area and determine what can be done to best assist the residents. Mrs. O'Connell added there is a lot of building still going on toward the rear of the development and there are many young families with young children and the speeding is of great concern.

John O'Connell – Carriage Glen questioned council regarding the purchase of portable/removal speed humps, questioning if it would be feasible for him to purchase these personally. **Mayor Gabbianelli** responded that this was absolutely out of the question. **Engineer, Dave Cella** questioned if the speeding/traffic was being caused by the residents or the construction workers. Mr. O'Connell indicated that actually he spoke with a representative for the builder on this but the speeding/traffic problems are a mix of both the residents and the construction vehicles. Mr. Cella noted we will instruct the builder that when they come to that intersection to make a right, using the construction entrance not to come through the neighborhood. Mayor Gabbianelli noted the streets would not receive final paving until the entire development is complete; this creates a problem because of the

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C.) PUBLIC PORTION (cont'd)

construction traffic coming off that road. Mr. & Mrs. O'Connell expressed their thanks and appreciation for the time and assistance afforded them.

Cncl. William Sebastian made a motion to close the Public Portion. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance.

D.) NEW BUSINESS

Cncl. Daniel Teefy spoke of a letter sent from the county to all small business owners regarding tax assessment. The Mayor noted he received such a letter and advised of the content of the correspondence. Solicitor Fiore spoke with regard to the letter and advised there are actually two ways under the "ad-valorem" property tax that they can access your property, by comparatives (*sticks to bricks*) or if you are a commercial property the business income approach.

Cncl. Daniel Teefy then let everyone know that in speaking with Mike (*Mayor*) over the last few years that he will not be running for mayor for the next term. **Cncl. Teefy** then advised that he would be throwing his name in the ring and running for Mayor. Mayor Gabbianelli then spoke on how he will continue to conduct business during the next two and half years. He spoke of what has been accomplished due to the continuity that exists and how after so many years serving as Mayor how hard it is to please and serve all the residents. He then spoke on his feelings with regard to national and state matters and how some type change is needed. **Cncl. Teefy** noted that he did not intend to be premature in making his statement but he was being approached by many people and he felt he wanted to put it out there. Mayor Gabbianelli noted that he has every intention of staying involved, perhaps in a run for a state assembly seat.

E.) OLD BUSINESS

Solicitor Charles Fiore referenced Resolution R:141-2012 (Resolution Declaring Pantarelli Homes, Inc. In Default For the "Serenity Woods" Subdivision #1666, Block 128.0203, Lot 21) scheduled for approval at the regular council meeting. He indicated the owner met with Chris Rehmann and was pleading that we not move forward with the default, but there does not appear to be any other way to get some movement. The Mayor noted the only way we can get anything done is to move forward on the resolution/drawing upon the bond. Mr. Fiore explained the approval of this resolution gives us the mechanism to achieve this.

The Solicitor then spoke with regard to the "Amberleigh" subdivision, indicating this matter has been scheduled for a "*Motion for Summary Judgment*" which he filed on behalf of the township. This asked the court, as a matter of law, to deem the old Bowman/Triad Bond Safeguard in default of their bond. He explained one of the proposals set forward from the bonding company to the township was to give the money over to the township however Mr. Fiore noted he would much rather have the developer go out and

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E.) OLD BUSINESS (cont'd)

secure bids and have Mr. Cella review them, that way we do not have to pay prevailing wage. If we receive the money please keep in mind it is 2004/2005 money and we would not be able to build out the bondable items. Mr. Fiore noted under the MLUL the money is put into place at the time the bonds are posted. He added he received a copy of an email regarding "Marissa Estates" which indicated they now have some type of schedule which includes mowing along with as an alleged clean up list. The Solicitor attempted to explain that we are required, under the bonding language, to send a thirty-day default letter.

Solicitor, Charles Fiore then went on to advise council on "Chestnut Green" referring to a letter dated July 19, 2012 from Tim Kernan to Mayor and Council. He explained we had withheld the release of the bond due to some questionable punch list items. The developer has prepared a list of items they are willing to complete, they offered a sum of money and Mr. Kernan has recommended that we receive this money in order to complete the marginal items plus an additional 20% to cover prevailing rates. Discussion continued on maintenance costs and liabilities. Mr. Fiore explained that it is very questionable whether any of the items included in the list are covered under the bond; this was considered when the recommendation to accept the money was made.

F.) COMMITTEE REPORTS

Cncl. William Sebastian reported on the ambulance building security issue. He noted that Joe Varalli, MIS Coordinator was replacing the computers and Joe Petsch was there to redo the key fob system. Hopefully, the ambulance building will be able to be properly secured and locked up by tomorrow.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

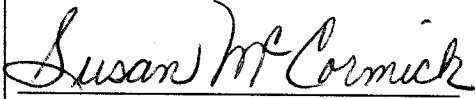
H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

I.) ADJOURNMENT

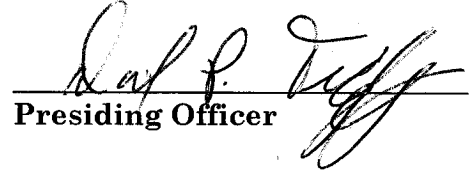
With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of July 24, 2012. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council in attendance.

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Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of July 24, 2012 and serves only as a synopsis of the proceedings. Portions of 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 SM Date 8/28/12
Approved as corrected _____ Date _____