

MINUTES
REGULAR COUNCIL MEETING
TOWNSHIP OF MONROE
JULY 22, 2013

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., Daniel Teefy** 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.: South Jersey 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., Daniel Teefy 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 **Robert Monson** of Cross Keys United Methodist Church offered the Invocation.

ROLL CALL OF TOWNSHIP OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia		Excused
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Pres., Daniel Teefy	Present	
Mayor Michael Gabbianelli	Present	
Solicitor, Charles Fiore	Present	
Business Adm., Kevin Heydel	Present	
Engineer, Chris Rehmann	Present	
Dir. Finance, Jeff Coles	Present	
Dir. Of Code Enforcement, George Reitz	Present	(Excused 8:15 PM)
Dir. Of Public Safety, Jim Smart	Present	
Dir. Of Public Works, Bob Avis		Excused
Township Clerk, Susan McCormick	Present	

Cncl. Pres., Teefy announced that he would deviate from the agenda this evening and hear reports first, as the Genova Tract Parkland Diversion Public Hearing was scheduled for 8:30 PM and could not begin prior to that time.

APPROVAL OF MINUTES

Cncl. Walter Bryson made a motion to approve the minutes of the Council Work Session and Regular Council Meeting of the June 24, 2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

B.) CORRESPONDENCE - None

C.) REPORTS AND OTHER MATTERS

Mayor Michael Gabbianelli reported the 2012 Audit has been completed and no problems were found. He also reported the Public Works yard is open on Saturdays from 8:00 AM to noon through September 28th and reminded everyone that State Law prohibits the township from collecting e-waste at curbside. E-waste includes televisions, computers, monitors and printers and they must now be dropped off at the Public Works Department on Glassboro Road. The Mayor reported tax bills were mailed last week and residents have

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until August 12th to pay their taxes. Some property tax increases directly resulted from the numerous tax appeals we had from 2009 to 2012 and also because people have been unable to pay their taxes due to the economy. We are taking steps to stabilize taxes and had a flat increase in spending but due to the economic circumstances and tax appeals property taxes increased. The Mayor recommended that next year everyone in the township submit a tax appeal because that will force the County to do something about out taxes. He explained how Monroe Township was the last township to agree to the County taking over our tax assessment office and how now we are sorry we did that because they are not giving us what they promised. He noted shared services work for small boroughs but not for larger municipalities. The County promised that one third of the township would be reassessed each year so we would basically stay in line with the economic up and down turns of property values. Last year they reassessed one section of town and this year they redid two sections because of how far off they were, but they didn't do a lot of the developments. We are not happy with this and asked for them to be done but they were not. Next year, we are hoping they will accomplish more but until that time, we are suffering. The township did not increase any spending yet some properties had a major tax increase, including his own rental properties and he can't increase those rents to pay the additional taxes because his tenants are seniors who cannot afford it. The Mayor also reported the Senior Citizen Commission is holding a Blood Drive on August 19th at the Pfeiffer Center from 2:00 PM to 7:00 PM. People can make an appointment or just come in to donate as there is a blood shortage and donations are needed. For more information or to make an appointment contact Jeanette Remsen at 629-5491. He also reported tonight at 9:00 PM a local business, Nick Muth's Motorcycle Shop will be featured on the American Pickers television show on the History Channel.

Cncl. Frank Caligiuri expanded on the mayor's comments regarding property taxes by giving an overall view of how property taxes work. He explained approximately 50% of property taxes go to the school district, approximately 25% goes to the County and approximately 25% goes to the township and the way the dollars are divvied up, is by the total real estate value of the township. All real estate in the township has an assessed number that amounts to billions of dollars and the total budget of the County, the township and the school district is some small percentage of that. It is a ratio of the dollar value of your home versus the total budget of the municipalities. When there is an adjustment in someone's property value and the property value goes down their tax bill is then spread out among the dollar value of all the properties so everyone else's taxes go up. The obligation of performing assessments was previously done by the Monroe Township Tax Assessor but due to shared services Gloucester County now provides those services for us. To maintain our own Assessor's Office would have been costly, as that would have required the township to pay our own assessor in addition to paying our portion of the County's bill, which includes an assessor's office. So, it behooved us to enter into a shared services agreement and turn over the responsibility for assessing property taxes to Gloucester County and eliminate our own Assessor's Office. The County now handles the assessments for our township and they have some choices in establishing values for all the properties. They could conduct a full reassessment of properties and that would be when an inspector goes out to the property and comes up with a value that becomes the tax assessment. In the event 50% of property values are skewed, the County can implement something called a Compliance Plan, which is what they elected to do. They picked out some areas where the property values were indeed skewed and made a general re-assessment of those properties. Cncl. Caligiuri noted the minutes of the December 11, 2012 Work Session reflect some discussion that this Council had with the Gloucester County Tax Assessor's Office about conducting the Compliance Plan. At that time it was apparent that they planned to conduct other Compliance Plans to modify evaluations in the following year. Cncl. Caligiuri noted it is evident to him that more than 50% of the property values were skewed and they really should conduct a general assessment. He agreed with the Mayor noting if residents have the opportunity to appeal the value of their property it would behoove them to do so. Cncl. Caligiuri requested residents to give him a call or send him an email and he would be happy to get the forms for them and help them through the process. He also reported on December 12, 2012 he sent an email to Gerry White, Deputy Business Administrator for Gloucester County to inquire about a Gloucester County Communications tower that was to be located in Ward 4. He noted he never received an answer to that so he sent a follow-up by way of fax on January 28th and to date he has not received a response to that either.

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Cncl. Walter Bryson elaborated on the Mayor and Cncl. Caligiuri's comments about the Compliance Plan by explaining it is a three year plan with 40% of properties being addressed in the first year. Most of those were in major developments and will see a tax reduction. The other 60% may or may not see a tax increase but if they do, it will be significant. If they did not see a tax increase it was because they filed a tax appeal prior to the Compliance Plan going into effect. He explained when the Compliance Plan went into effect, the township's value went down \$130,000,000.00 and when that happens the tax rate goes up. Residents that did not file an appeal will definitely pay significantly more. Some people gained from the Compliance Plan but the majority lost from it because their taxes went up. Next year, 40% of the houses not included this year will be assessed and then the last year the balance of 20% will be addressed. Cncl. Bryson urged residents to file a tax appeal by April 1, 2014 in order to keep their taxes in line with everyone else. The deadline is past for this year but people should go to the Gloucester County website to begin the process for next year. The cost is approximately \$35.00 to submit an appeal. Cncl. Bryson spoke of a news release regarding Governor Christie's administration seeking future New Jersey environmental leaders to be 2014 AmeriCorps Watershed Program ambassadors. The DEP began hosting this federal AmeriCorps Program in 2000 and is seeking college graduates for twenty potential watershed management areas across New Jersey. AmeriCorps is a national service initiative that began in 1993 and is also known as the domestic Peace Corps. The organization recently announced grants for programs nationwide and New Jersey's watershed ambassador program was a recipient of \$260,000.00 in federal funding for 2014. Applications for the program must be submitted by August 30th. Ambassadors will complete 1700 hours of service in a ten to eleven month period, receive a live-in stipend of up to \$12,000.00, are eligible for health benefits and training throughout their term and once they complete the program, they will receive an education award of \$5,500.00. To qualify applicants must be US citizens, must have a Bachelor's Degree, a valid driver's license and reliable transportation to get to and from the field sites. This is a great program and opportunity for young people coming out of college to serve the county. Cncl. Bryson noted he would provide the additional information to anyone interested in the 2013/2014 program or they can also contact the Clerk's Office. Cncl. Bryson reported the Historical Society will finally begin work on the railroad station so anyone interested in volunteering their services should contact him to get things rolling.

Cncl. Ronald Garbowski reminded everyone to go on the Library website to see the various things going on for children throughout the summer. Cncl. Garbowski reported on Thursday, August 1st National Night Out will be held at the Pfeiffer Community Center from 6:00 PM to 9:00 PM. Everything is free and there will be entertainment, prizes, contests and food.

Cncl. William Sebastian reported attending the EDC meeting where the major topic of discussion was that two of the Welcome to Monroe Township signs have been installed, one on Sicklerville Road and the other at the five points intersection in Cross Keys. Two additional signs are on order. He also reported attending the LEPC meeting where only five members were in attendance so the discussion was very brief.

Cncl. Pres., Teefy reported over the last few years we have had a couple of Monroe Township Little League teams get to the State finals and fall short. Tonight the nine/ten year old baseball team is in Wayne, New Jersey playing their final game and if they win tonight, they are the State champs. The girl's senior softball team is playing Pitman tonight for the State championship and in the bottom of the 6th inning Monroe is ahead 8 to 1 so the girls are very close to winning the State championship. Cncl. Teefy commended the Parks and Rec crew for the excellent job they did in improving the Church Street softball field by enlarging the infield, and installing a new scoreboard. He reported in conjunction with Council, the Administration, Parks and Rec and Little League new lights were installed on the field and that allowed this tournament to take place. Cncl. Pres., Teefy noted last year he hosted two Chinese exchange students for thirteen days and had a fantastic time with them. Gina Cacace, the Technical Instruction Youth Services Librarian handled the program and did a great job working with us. Last week his wife received a telephone call from Compass USA of Denver, Colorado who runs the national exchange student program asking if they would take one of the ten Chinese exchange students in the Philadelphia program, as they had to move them into the New Jersey program. Mrs. Teefy said they would take two but in the end three students stayed for the

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week. Cncl. Teefy noted the three kids were great and really enjoyed themselves here. He noted he took them through town and they enjoyed watching the sky divers and got a kick out of the Carino Park Building being the tallest building in town because their school is as big as that. They live in Nanjing, a city of seven million people that is very congested so they really enjoyed being in a town that is rural and open. Cncl. Teefy noted he is fortunate to have the room to host the kids and his son and daughter are great with them.

PUBLIC HEARING
PARKLAND DIVERSION HEARING - GENOVA TRACT
Block 13001, Lot 16
8:30PM

Mayor Gabbianelli noted the Genova Property was purchased in 2006 with County and Township funds and at the time of purchase we were told we could build an indoor recreation facility for indoor soccer, wrestling, cheerleading and basketball. The property is right next to Owens Park and the High School so it is the perfect location. We are here today because we cannot build on the property because the County utilized Green Acres money to purchase it. **Engineer Chris Rehmann** introduced Marianne Risley, ARH's environmentalist and permit specialist who performed the work to satisfy the State agencies. Mr. Rehmann noted this public hearing was being held in accordance with the provisions of Chapter 36 of the Green Acres Program under Subchapter 26 "*Standards And Procedures For Commission Approval Of The Disposal Or Diversion Of Funded Or Unfunded Parkland*". The State discourages towns selling ground that had been acquired through Green Acre funding, as their purpose is to provide for open space in the town and in order to do a diversion or sale they have a town go through about 50 - 60 pages of regulations to make that happen. NJAC 7:36-26 requires a public hearing for the township to get input from the public in regards to the project. An application has been submitted to Green Acres and a separate notice of this hearing has been provided distinct from the regular council meeting notice. Ads were placed in the newspaper 30 days prior to this hearing and a display ad was placed in the paper 15 days prior to this meeting. A sign has been erected on the site setting forth the public hearing that is required and an application for the diversion has been placed in the Clerk's Office and at the Monroe Township Library. Individual notices were sent out to the surrounding property owners of the site located on Clayton-Williamstown Road just south of the Williamstown Middle School. The New Jersey Pinelands Commission has been noticed. This is a 35 acre tract that was purchased by cooperative purchasing between the township and the county. The township accumulates recreation funding through the development process in town and that money was utilized to purchase this 35 acres located next to Owens Park that is currently built out with baseball and football fields, street hockey, tennis, volleyball and nature trails and that park is pretty well used. There is a connecting piece of Atlantic Electric right-of-way as well as part of the Genova tract that has pole lines down through the southern portion. The property as it is located has a small piece of wetlands and because it is in the Pinelands we are required to buffer that so that access to Clayton Road is limited to a specific section of the property. What we have shown is not a plan that will be developed. It has not been master planned, we have not held hearings with the Mayor, the Council, the Recreation Committee of Council as well as the Township Parks and Recreation Commission. What we are attempting to understand is what we have, as far as land that would be available for indoor and outdoor recreation. The township is looking to divert about five acres of ground from this 35 acre site. There is a question from Pineland's on our application since we have shown a storm water management basin (*Mr. Rehmann pointed the location out on a map*) but not on the five acres and we may have to provide storm water retention on the five acres or expand it to six acres with a basin. The township has no intension of selling this parcel, it will remain in the ownership of the township so what we were asking is if we could lease a piece of township property from our self to our self to be able to make this happen. Sometimes regulations start to get in the way of themselves. Mayor Gabbianelli added there is a lot of BS with this. Mr. Rehmann went on to say there is an existing active recreation plan in the township of 257 acres with the addition of the Genova tract that is now 292 acres and we are proposing a diversion of five acres, which would reduce the overall property about 1.7%. The Mayor noted we keep using the word diversion because we can't build on that property (*Genova*) so we have to divert that property by technically subdividing that property

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PUBLIC HEARING (*cont'd*)

off of that track because of Green Acres funding was used. We are going to substitute another tract of property that we have, three times as much. With the diversion we are not going to lose the property, we are going to build on the property. The Mayor noted he wants people to understand where he is coming from. Mr. Rehmann noted in his opinion there has been a major change in recreation within the last ten years. He spoke of representing twenty-two different municipal entities throughout New Jersey so we have a feel for a lot of issues that are brought to our attention. There are more participants playing single sports all year round. Traditional indoor sports such as wrestling and basketball need indoor facilities to play in season. Now, soccer, field hockey, tennis and other sports have moved indoors during the winter season. The purpose of the diversion is to provide those opportunities for the youth and adults of Monroe Township. We had the opportunity to drive people from Green Acres through the township and when you come in from Tuckahoe Road and go past Owens Park, which is all Green Acres funding, you see the bike path that goes from the center of town all the way to Glassboro. Coming out through the middle/high school recreation complex down Clayton Road we have this piece of property (*Genova Property*) where you can see Owens Park and turning onto Corkery Lane is where the Mary Mazza Duffy Park is located. So there is a complex being built with these facilities. The Mayor added they are actually less than a mile apart plus we did acquire a lot of property with our open space money and built parks. Like Chris said the bike path, the bike path actually ends here (*the mayor pointed to the area on the map*) now. The bike path can cut through this tract we could cross over and actually may be able to bring it right to Duffy through the piece we own across the street. So there is a whole lot planned but this is just a pain in the a_ _ stumbling block that we are dealing with the State of New Jersey. Mr. Rehmann explained the purpose is to try to connect and link all the facilities especially when you have situations like my granddaughter and grandson playing sports in three different parts of the town and getting them all there in a half hour because they all go to different facilities. One of the advantages of this facility, this piece of property (*Genova*) is that it does interlink the existing facilities but it also can provide the center for maintenance for those facilities. We could also build restroom facilities that would serve indoor and outdoor, which would be better than having porta pots around the area and that could also enhance some of the tournaments that Mr. Teefy referred to. These can be upgraded to those tournament type fields as we go along because this will all be eligible for Green Acres funding. The township has a piece of property that is located on Blue Bell Road. Mayor Gabbianelli added Blue Bell and Malaga. Mr. Rehmann pointed out on the map the location of Black Horse Pike heading towards Philadelphia and heading towards Atlantic City, Clayton Road where the Genova tract is presently located and about 1.3 miles on the straight line is what is called the Petro Kiryk site or Block 9402 Lot 2. This is a piece of property that currently is a 38 acre parcel that is all wetlands and vacant except for some dilapidated buildings on site that were probably chicken coops or some farm buildings. Currently the township leases a portion of the property that is cleared for farming and we are looking at taking fifteen acres of that and dedicating it as a three to one replacement, swap for this five acres of the Genova tract. That may go up if we have to provide maybe another acre for storm water management on the Petro Kiryk site but as I said we have 38 acres. Mayor Gabbianelli noted when we got this property it was intended for open space, parks, walking paths, passive recreation is the right word to say so by dedicating fifteen acres of it we are taking that off the map and no one can build on it and that's fine because that was our intention anyway to use it for an open space and a park, light recreation. Then maybe we can build the facility we want on the Genova tract. He noted he was just trying to give everybody the whole square ball of wax, because that was the total intention when we bought that property to be perfectly honest with you was not to build on it and use it for recreation. The problem was we wanted to build the facility down there but if you talk to everybody's mother and father, the parents of the kids when they drop them off, and it is the truth they don't want it there that's why we wound up with our sights on the Genova piece. We talked to the parents and they said look I don't want to run from a park in Cecil to pick up my daughter at the high school while my son is going to play ball someplace else so what we attempted to do by doing this whole process is to put everything in one great location. We are not talking anything between Duffy, the high school fields, Owens Park and right next to that is the Genova tract. It's our intention to take care of everybody to be honest with you, we are not trying to pull any wool and that's why this is a public hearing. We are not moving any property, we are not selling any property, we are not losing any property, all we are doing or trying to do, is try to build a dam building. And that is it; I am going to say no more. Mr. Rehmann noted nothing has specifically transpired, probably the Mayor and President of

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Council would like to have a public forum to show how you would develop or make some recommendations and options on how to develop that site. There is something called a Recreation and Open Space Inventory, which is affectively known as the ROSI. Once you put a piece of property on that list you must go through this diversion process, whether you bought the property through Green Acres funds or not. The town of Hammonton had an old gravel pit that was being used for outdoor recreation but not much of it was bought by Green Acres. We had New Jersey Manufacturers Insurance Company move in to town adjacent to the pit and they wanted to purchase it for some expansion uses but unfortunately they could not do it because it was on the ROSI and we could not get it off. So the problem is the commissioner has to approve this and it actually has to go through the assembly to finalize the process. Mr. Rehamnn noted do you have any questions and we will address Council first. Cncl. Pres., Teefy noted does anyone from Council have any questions for Mr. Rehamnn. Cncl. Pres. Teefy commented that he felt we are moving in the right direction here. We have taken a number of years to get to where we are getting and the Pfeiffer Center has been a great community center in the 70's and 80's but we have now outgrown that and need a larger facility for other activities besides just doing sports activities but there is not enough room at the Pfeiffer to do other events so this will certainly will give us more room out there. We are not going to build tomorrow but down the road it is the plan and certainly the right direction to go. Mayor Gabbianelli noted are there any questions. Cncl. Bryson noted this is just an initial plan, but in your plan are you going to attach this part of land to Owens at all, where you can go through it to Owens. Mayor Gabbianelli explained it will go through, Walt, the roadways are okay; it is the building that we are not allowed to put up so that's why we're doing this. Mr. Rehamnn explained an easement will need to be acquired from Atlantic Electric, as they already have power lines that presently cross that same zone. Mayor Gabbianelli added they actually allow us to use under there, we cleaned it up and use it as a practice area under that high tension lines. I don't believe there will be any problems. Mayor Gabbianelli noted are there any questions from the public and Cncl. Pres., Teefy questioned if anyone from the public wished to come up to the microphone and discuss this. A woman in the audience stated she did not have any questions, well a couple of questions, but she did have some comments to make. The Mayor requested that she come up and state her name and address.

Theresa Letman, Pinelands Preservation Alliance noted before she got into her comments she did want to ask a question. In the application you say that the building will be used not only for recreation or gymnastics but it is going to be a maintenance facility, what portion of the 90,000 square feet is going to be used for maintenance. Mayor Gabbianelli replied a little garage area. Mr. Rehamnn explained what he is expecting is an office so the person responsible for the facility is close by on the weekends when activities are happening, so there is something on site. Ms. Letman noted so when you say maintenance facilities you don't mean facilities, you mean an individual, township employee. Mr. Rehamnn noted an individual and there may be a place for a couple of mowers but he does not anticipate anything more than 1,000 - 2,000 square feet tops. Ms. Letman noted you say this plan is not in cement yet so what recreation facilities are you planning for the inside of the building. The Mayor noted basketball, wrestling, cheerleading or any winter indoor sports that we need a facility for and there will also be meeting rooms in the building. Mr. Rehamnn noted one of the more popular events in Pemberton Township is a senior citizens prom, which is sponsored by high school seniors and this could be that type of facility as well. Ms. Letman noted she just wanted to make sure that when she submits her comments to Green Acres that she has the right facts. The Pinelands Preservation Alliance will be submitting written comments by the end of the comment period on August 15th. We will be opposing the diversion of Block 13001 Lot 16 with the replacement of Block 9402 Lot 2. The reason we will be opposing it is because a diversion is met to give the public back their open space that they are losing and we don't see that happening with your application that has been submitted thus far. When you go to the Monroe Township Open Space Committee map for 2010, which I got a copy of from the Open Space Committee, it already lists this piece of farmland as preserved or set aside for open space. It is on your map, it is colored, it is telling the public through your plan that this is open space so if you are diverting our open space then we want open space in return. We want back the open space that we are losing, the public deserves it. So, we feel that Block 9402 Lot 2 is already preserved; it is listed on the open space map. Monroe Township has owned this farm for

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twenty plus years and it continues to be located.... *(at this time Mayor Gabbianelli interrupted and noted)* I want to know what she is talking about. Ms. Letman replied 9402, lot 2. Mayor Gabbianelli questioned what is that. Mr. Rehmann advised the Petro Kiryk site. Ms. Letman went on to say the farmland that is in the Rural Development Ag zone, the farmland on Blue Bell Road. It is leased out for farms so you said to a farmer, I am assuming that it is farmland. The current zoning would only allow farming and it is in the center of this zone so it is not like you can zone this piece out of the Rural Development area, it is not on the edge so it is not in an area that it can be removed. The Monroe Township Open Space Report that was done by Timothy Kernan states in the needs analysis on Section 10 that current outdoor needs include additional football and soccer fields. If there was a need in Monroe Township in 2010 and currently for outdoor recreation land then none of the current lands should be diverted for an indoor gymnasium and a maintenance facility. Why would the township support additional losses to your current needs if your open space plan states that you already have a deficiency? If you purchase the Genova track land to provide for outdoor recreation, that is what it should be used for. The public expects it, they paid into the open space fund, whether it was municipal or county and they deserve to get that in return. On page eleven it says the remaining agricultural land in the township is at risk of becoming fragmented to development and it is detrimental to the preservation of farmland. Isn't the township supporting this detriment to the farmland if you allow the offset land, no longer to be used as farmland, you would be fragmenting the farm land. If you are saying now that it is not going to be used to farm if you are going to allow it to just go fallow and be open space for passive recreation, then it is fragmenting the farmland. What is the public getting in return for the diverted acres, shouldn't it be land that can be used for outdoor recreation; that's what they are losing. We should not be getting agriculture property where the pesticide Dieldrin was found no matter how low the concentrations if in the future you may want to use/get the lost recreation fields and then be talking about using this land for that. Would you be supportive of placing play fields or passive recreation open space adjacent on two sides by active farms. There will be times when the lands surrounded by the agriculture or lands within this cove of agriculture cannot be used by the public if the farms are using pesticide. You will have it surrounded on two sides. Now, I have made, rather than just say it, I made a map *(Ms. Letman gave the map to the clerk for distribution to Council)* so that you can understand better what I am saying. You can see that there are PDC restricted lands to the north and then adjacent and across the street are agriculture lands and then to the south are wildlife management areas. Even wildlife management areas are different from passive open space or even for recreation fields; they use guns. Lastly, our problem with the application is understanding how a portion of the site will be protected in the future. We have seen time and time again where the application goes in, Green Acres accepts it and then ten years later there is a question as to where the line is on that property and so we will not support a Green Acres Diversion Application that does not give a whole lot and block set aside. A portion of a land cannot be protected and in the future there will be arguments over which portion we protected. We understand the diversion process and we understand that the public deserves to get back what they are losing and we don't see that with this application.

Cncl. Pres., Teefy questioned if there were any comments back from Council.

Mayor Gabbianelli stated tell all the kids that play basketball why they can't play basketball.

Cncl. Walter Bryson requested to make one comment. He noted he understands and sympathizes with Ms. Letman's concerns but if you look at our township, Monroe Township; are you a resident of Monroe Township. Ms. Letman replied no, I don't not need to be. Cncl. Bryson agreed and noted the reason he said that was not to pinpoint her as a resident or non-resident coming in and telling us that we can't do this but because if she drove around this town she would understand that most of this town at this point in time is in the Pinelands and we are already a very rural town. What we are trying to do here is not take away open space, as Ms. Letman tried to propose or tell us and as you saw I spoke earlier about environmental issues so I am not an anti-environmentalist; I am one who supports programs that help and benefit the citizens of our town and that is a program that helps and benefits all the citizens in our town because we have an aging facility, which by the way if you went down our Main Street the aging facility that we were talking about, which is the Pfeiffer Center is indeed in the

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Pinelands. This application makes our ability to build a better facility easier for us. Ms. Letman noted she has worked for the Pinelands Preservation Alliance for twenty-three years and so I have seen the many, many, many applications that Monroe Township has put in through the Master Plan process to change land that are rural development to regional growth so I understand that you want more development but you also have to plan ahead and the public deserves, the public and everyone is the public when you take open space dollars from Green Acre dollars you are taking my tax dollars as well as those from someone who lives in Monroe Township. So, the public is just asking for the land back. If you want to do this and go ahead with the application then you give us back what you are taking and this application does not do that. **Cncl. Bryson** noted we are doing that as a matter of fact and just **Cncl. Pres. Teefy** indicated you don't want to go back and forth. While **Cncl. Pres.**, **Teefy** was talking **Mayor Gabbianelli** said there is no sense in arguing but his report was wrong, that is regional growth you could build homes on the Petro Kiryk site. We diverted that so she has been paying attention, she has been on the Pinelands for twenty years or whatever but she didn't pay attention to that. That is Regional Growth. **Cncl. Caligiuri** clarified the mayor's comments by stating that is RGMR, Regional Growth Moderate Residential. Ms. Letman stated well again my purpose for coming tonight is to tell you face to face that we will be submitting written comments to Green Acres and the reason why and what we are looking for with the application process. If we are going to lose, we want back in return. **Cncl. Pres.**, **Teefy** noted thank you. **Mayor Gabbianelli** stated you ought to check on the frogs down the road on the trees, I'll see you, good night.

Cncl. Pres., Teefy questioned whether anyone else would like to address Council.

Fred Schuster, approached Council and noted his wife's family has owned property on the corner of that map for three or four generations, the property is right across from Genova. When the new high school was built the retention pond was apparently built too small so they decided to put an overflow onto my property, which my tax dollars paid to dump more water onto my property. This is going to need a retention basin and my question is whether this is going to be dumping more water onto my property again because I already had to pay to install a second sump pump and had to put in a French drain just to keep the water away, because we live right behind the Pinelands. I am all for what Mike wants to do with this because I have two small children and this will be right across the street from my house so I am more than happy to see this and would actually love to see a pool in it also. I have talked to Mike in the past about what they want to do with this property and my wife and I are 100% behind him. Living as close as we do it will increase traffic in my neighborhood but that's fine because it is recreational traffic. But, my question is, is the engineer on this one not going to shit the bed, pardon my French, and make the retention pond too small and then have to run it down the road like they did and the manholes are still a road hazard every time you hit them. **Mayor Gabbianelli** made a comment about knowing it was wetlands but his exact comment was indiscernible. Mr. Schuster started there is a creek and stream that goes through there on what I believe is State property and the township originally put a pipe across that to drain the water. When I originally asked and went and said why are you tapping into this they said because we placed the pipe across that road we have the right to tap into it. I looked at them and said, so I am basically paying to dump more water on my property because they are my taxes and he looked at me and said yes. I do not want to see that happen again so if the township is going to build a building like this then build a deep enough retention pond to cover it. That is my only concern. I am more than willing and understand moving the property and it looks like a good idea. **Engineer, Chris Rehmann** noted we are well aware of the issues, unfortunately on this side there is impervious coverage. What we will do if we get to the point where we are in the process of doing design is disburse the water throughout the site so that we can then capture it in a retention basin; not a detention basin. Mr. Schuster thanked Council for their time.

Robert Moss, New Jersey Chapter of the Sierra Club, began by emphasizing the Sierra Club is not opposed to indoor recreation facilities but to reiterate what Theresa said this is a matter of both State law and State taxpayer dollars. The problem we have here and the problem as we go forward in New Jersey in building anything which is beneficial to the people is that we are very near build out. If you look around there is a lot of open space, most of it is already under protection, we are reaching the point where it is either protected or built on. This

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presents a problem, however, if we fritter away the open space we will end up with a worse problem twenty or thirty years down the line there will be no open space and then you will be back where you were when you can't build without tearing something down. But, there's no parks, no farms and no outdoor fields and that's what the whole entire Green Acres Program was intended to forestall. It is based upon the Bond Acts going back to 1962, all of which specified there is not enough open space, we need more, the legislature finds and the voters ratified that open space benefits all the people of New Jersey. That is what is behind the Green Acres regulations they are not an attempt to just make people jump through useless hoops. The people have repeatedly voted for these bond acts and the money that is involved was ratified by the voters, we need to increase the amount of open space and that is by both conservation and public outdoor recreation. Overall the regulations are good, they're, we have found some fault with the details, but the concept is, you need the space, it's the best place for an indoor facility then you got to give replacement land, such that the total amount of land that we preserved so far stays at least the same. The regulations actually try to get some more land, which is fine with me, the problem is, if I understand the mayor correctly, and now he is not here to defend himself, but he said the intention of this replacement land was always passive recreation. That being the case and I am not an attorney and cannot give legal advice, but I do kibitz, that being the case, that replacement parcel is already supposed to be on the recreation/open space inventory and it is not eligible to be used as replacement land. Because replacement land, you all know, and I quote an opponent of this idea from someone in Hunterdon County who said don't take Green Acres money because it freezes your open space, well that is true. He was opposed but he said the truth. You take Green Acres money you freeze your current local and county owned open space and once you do that if you want to divert any of it you have to get new open space; not something on the ROSI or is supposed to be on the ROSI. Just because it is not on the ROSI, well I think everyone knows and the State admits, the DEP and the Green Acres admits, that they do not audit all these ROSI's that come in every time a community, county or municipality gets money; they don't have the staff for that. But, the fact that something is left off the ROSI doesn't change the law if the intent was to use it for public outdoor recreation and it was before the Green Acres funds came in that land is supposed to be on the ROSI. Now, it is possible it was bought before the last Green Acres, no I'm sorry, we looked up the deed and it was purchased a long time ago. **Solicitor Fiore** indicated that was a foreclosure. Mr. Moss noted the mayor did not specify when the original intention but if I take him at his word, it was when it was obtained by foreclosure. So that is what is behind these hoops, that he had other words for them and I think that is all I need to say. Now, the Sierra Club is going to strongly urge DEP to have you start the application again; not because it is a bad project but because the replacement land is not eligible. Thank you.

Engineer, Chris Rehmann noted in regards to the intension for the use of Lot 2, the mayor in this form of government does not have a vote upon this. Council sets the ROSI. They did not put Lot 2 on the ROSI, it was never the intension to formerly adopt it as open space so there was always the possibility that lot could have been sold for additional housing units out in that area. So, I would respectfully disagree with your (Mr. Moss) thinking but somebody higher than you and I will make that final decision. I would also like to say Mr. Moss noted am I correct to understand that he was not entirely correct, that was his (*the mayor*) personal opinion. Mr. Rehmann replied yes. Mr. Moss noted okay but looking at the project that was the first flag, why is this thing being held if not for public outdoor recreation. Mr. Rehmann noted we could not get a decision made or get a consensus on how that would be dealt with. Mr. Moss stated so it has been actively under consideration, actively debated the use of this property. Mr. Rehmann replied, no, no. There have been questions as to its environmental integrity, there is already some indication of Dieldrin on the site, which I had never heard of before, you know accusations can come this way as well as that way. One of the things as an engineer and planner licensed in the State of New Jersey, I would just like you to understand that in 1990 there were 26,000 people here in the township, 28,000 in 2000 and 36,000 in 2010. Those homes because this was set as a regional growth zone protected the preservation lands by allowing that growth to occur here (*Mr. Rehmann pointed to the map*). Now, what you are saying to me is those people that are here today, those people who have children, those adults who want to play softball cannot do that in an indoor recreation facility, play basketball, do all that because you want to preserve lands that have been taken over by a large portion of the growth that has occurred in the last 20 years in this township. I disagree with your (*Mr. Moss's*) premise that we are losing open space. I disagree with that and you have a perfect right to make

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a comment, this is a public hearing, there will be a transcript of this program and your comments will be included. Mr. Moss noted you mean in this case using that particular replacement land does not constitute a loss of open space. We will look into that as much as we can. Mr. Rehmann noted you can look all through the acres to make sure all that 38 acres is put on the ROSI and we diverted 5 or 6 acres depending on whether these properties are on the storm water management situations would that change your view. Mr. Moss replied it's not the amount; it's that the appearance is that it's being used for agriculture and there's no, um ... this is the problem. If a municipality is holding land it should be for a purpose. It should be for a specific purpose and you're right to the extent that this is certainly not been settled in court; but normally, you got a master plan we need a school here, we need business here and so on, and if a municipality is holding land just indefinitely, this has been for 20 years or something, right, and it is being used for agriculture it gains the appearance and it is across the street from preserved farm land, according to the sign I saw this afternoon, it appears that it is being held for preservation purposes in this case; farmland would be preservation. And I admit this has not been settled in court but the New Jersey chapter is very interested in this question. Mr. Rehmann questioned would you have any comment about does it change your view at all or is your premise solely that this is already open space. Mr. Moss noted that is our concern. Mr. Rehmann noted because the young lady who spoke before talked about her concern about breaking up pieces and then not being able to control. Mr. Moss responded yes, that was in reference to the Master Plan or one of, a non Green Acres thing, which we don't have any disagreement with the Pinelands Preservation Alliance on this issue. Mr. Rehmann replied no, I wasn't suggesting you do. Mr. Moss noted my specialty is Green Acres, I really don't know and haven't had a chance to read the township's Master Plan or any of these open space plans, I haven't had the opportunity to do that and I know almost nothing about the Pineland restrictions, that's why I got to stick to Green Acres, that's the only thing I know about.

Cncl. William Sebastian pointed out that with Mr. Moss not being local the municipality and the county also spent money and bought a large parcel of land across the street and made it Farmland Preservation. It is about 20 acres directly across the street. We are trying to have open space, we are trying to regulate what we have for farming in the area and stuff but we have to balance the two needs. We have to balance the needs of the open space and the needs of our recreation. It's strange that the township has to buy a piece of property and make it open space and everyone is saying if you use my money it must be open space but there is no restriction on a farmer as to whether he sells his property to a developer. So, the point I am trying to make is we are proactive, not reactive, we are proactive in the support of open space and regulating the farmland preservation, both us and the County. Mr. Moss replied yes, I have heard the argument before in other places. At a point when you get Green Acres funds you have to freeze your current open space there. Now, whether this replacement land that we now have a debate on that, but let's say that was not a debate. You get Green Acres funds here you got to freeze your open space here. It's got really nothing to do with how well the community is doing and a lot of communities do very well, but, it gets frozen and you can't go backwards, okay, that's why replacement land is needed. Mr. Moss noted there was another point but I'm sorry I have forgotten the other point. **Cncl. Sebastian** noted he thought the point was that we have replacement land three times the size of the five acres. Mr. Moss replied that is debatable due to the fact that it is on the ROSI. **Cncl. Sebastian** noted let's find out if it's a fact before we debate it any further. Mr. Moss replied yes, we will do that. The farmland if it is under Farmland Preservation they cannot sell to developers, if it's not, it's got nothing to do with it because it is strictly private land. **Cncl. Sebastian** noted he was referring to the swap to the Petro Kiryk land, we are taking five acres of Genova and restricting approximately fifteen acres at the other site (*Kiryk property*) that was never listed as open space preservation. Mr. Moss noted yes but you said farms can sell to developers and that's if they are not any encumbrances, yes they can and that has nothing to do with this. **Cncl. Sebastian** replied, no it doesn't but the point I am trying to make is you are trying to preserve farmland but the farmers are not preserving their own farmland, that's my point. A number of years ago they tried to put a major highway in from the Commodore Barry Bridge right through to the Atlantic City Expressway. The reason it was shot down is because all the farmers between here and there said that they do not want to give up their farms. Okay, they were the old farmers, as soon as the old farmers died and their sons got it, what did they do, they sold it to all the developers from here to the Commodore Barry Bridge. So, whose responsibility is it to save farmland. Is it ... Mr. Moss responded if the farmland is already being preserved that is under State law and it

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needs to be continued, it has nothing to do with private farmer's sons changing their minds about.... *(non-discernible)*

Cncl. Frank Caligiuri noted through the Chair to our engineer, standby if you would. Chris, Petro Kiryk was acquired as a result of foreclosure, is that correct. Mr. Rehmann replied that is correct. Cncl. Caligiuri noted hypothetically, at least, not that it is a desirable location, but hypothetically, we could legally construct 90,000 square feet indoor recreation at Petro Kiryk, is that correct? Mr. Rehmann replied, yes. Cncl. Caligiuri noted what he is suggesting is the more appropriate location for the 90,000 square feet is located adjacent to other recreation to centralize the recreation. Whether the 90,000 square foot indoor recreation facility is built on this piece of open space or that piece of open space you couldn't possibly oppose locating the indoor recreation at the Petro Kiryk site because legally it wasn't acquired with Green Acres money. So, I understand the premise of your objection, clearly I do, and indeed it was acquired with Green Acres funding and there are restrictions when you acquire property with Green Acres funding. But, hypothetically you can legally build the structure in the Petro Kiryk property and the footprint of 90,000 square feet is exactly the same it is just a really inconvenient place to locate because it is decentralized, that's all that I see it as. Mr. Moss noted the legal restrictions are not what the money was used for, it's the intent of the township and that's what the dispute is here on the replacement property, what was the intent of the township. If the intent was passive recreation, it doesn't matter if there was any Green Acres money involved, it should have been on the ROSI as soon as some Green Acres money for some other purposes were given. So we still got to Cncl. Caligiuri noted I am not going to debate the issue, but if you (*Mr. Moss*) were running a town and wanted to provide indoor recreation for your residents and there was one very convenient location that was consistent with other recreation already in town and there was another location that you could legally put this facility on that is inconsistent; I mean if you are running the town how do you react to that. Mr. Moss replied maybe I didn't say it well, if you want to ask me later, as I think we are taking up to much time here, I explained it twice so if you want to ask me later I'll try again but I think we are taking up a lot of time here. **Cncl. Pres., Teefy** requested Mr. Moss to go ahead. Mr. Moss noted whether it can be legally done on the replacement land depends on the intent of the township when that land was acquired and only on that. **Solicitor Fiore** inquired whether Mr. Moss was talking about the 1991 acquisition, the foreclosure because clearly the intent back in 1994/1995, when I sat on council before I became solicitor, it was acquired by way of an In-Rem Foreclosure. They didn't pay their real estate taxes, the township took it over and I think it may have been on the township land sale a couple of times after that so, theoretically, if the township decided they wanted to generate dollars it could be sold, it is not on any open space registry. There was discussion over the years you're suggesting that legally it automatically becomes open space because there was a discussion regarding the fact that the township wanted/desired it to be part of the open space. Mr. Moss noted it appears that the Open Space Committee has listed it as farmland. Mr. Fiore replied, okay, but the intention all along over the past twenty years, according to my recollection, is that obviously the township wanted to develop it at some level. I don't want to bind council by those words because of the fact that it is decentralized, which was one of the issues we talked about. And Frank brings up a very, very good point, if you use the footprint you could put that 90,000 square foot property there. And I know, sir, with all due respect, I am trying to explain it, you are trying to take one position and I am trying to explain what I believe is the correct legal position. We obtained it through a foreclosure, not through Green Acres, so the record is clear. Mr. Moss stated and that's the question. Mr. Fiore replied that's the question, no, it's a fact. If you do a title search it was obtained through an In-Rem Foreclosure, it was not obtained through Green Acres, was not obtained through a County program, clearly through an In-Rem Foreclosure. And, again, you are frowning at my comments, sir and I am trying to explain. Mr. Moss stated it is not how it was obtained it is the intent of the Council. Mr. Fiore noted the intent of a foreclosure is that if you don't pay your taxes then I'm going to obtain your property. **Mr. Rehmann** questioned if there was any resolution or any official council action that has dedicated Lot 2 for open space purposes. Solicitor Fiore replied no, other than what the young lady mentioned about it was part of the Open Space Master Plan through I guess the committee, the advisory board that is the only knowledge... Mr. Rehmann replied that is not in the paperwork. Mr. Fiore noted I am not aware of that; I will have to research that and get back to you on that issue.

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Cncl. Pres., Daniel Teefy explained for one thing the Advisory Board doesn't have the authority to designate that as open space. We can have intent but one thing Council runs into is that we have a feeling that things should go this way but we all get elected out and we didn't lock down that piece of property. A new mayor/new council comes in and says we're selling that property and their intent was to sell the property. Our intent might have been different but they're going to go sell it, so now you're losing 90 acres and that doesn't work too well, does it. Mr. Moss noted he may be able to go through the council minutes, I'll have to see, I may be able to do that, if nobody else has time to.

Cncl. Walter Bryson noted in the conditions that you are looking at today, the economic conditions, you are looking at today selling that property could be a great benefit to the township, wouldn't it. Definitely, and we over the years did not make any definite decision as Chuck had mentioned as to what we were going to do. Even at this stage right now it is a proposal but, what Dan and Chuck said is an alternative if we get to that point, it is an alternative. Mr. Moss noted I think we can't finish this tonight so thank you.

Cncl. Pres., Teefy thanked Mr. Moss for his comments and questioned if anyone else from the public wished to comment on the diversion of the Genova tract. Seeing none he questioned whether Mr. Rehmann had any additional comments or if that wrapped it up. Mr. Rehmann noted we will take this to the next step, which will be before the Green Acres Board. **Cncl. Pres., Teefy** noted okay, thank you Chris, thank you very much.

C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION

Cncl. Pres., Teefy noted Resolution R:150-2013 will be pulled this evening so Council will not be voting on that one. **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 in attendance. With no one wishing to speak the Public Portion was closed.

R:139-2013 Resolution Awarding A Contract For Professional Services To Adams, Rehmann & Heggan Associates, Inc. For Services Associated For The Preparation Of A Design Proposal For The Winslow Road Phase V Project From The End Of Buckhorn Drive To Williamstown New Brooklyn Road Within The Township Of Monroe, County Of Gloucester, State Of New Jersey

Cncl. Walter Bryson made a motion to approve Resolution R:139-2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:140-2013 Resolution Cancelling Certain Unexpended General Capital Improvement Authorization Balance

Cncl. Ronald Garbowski made a motion to approve Resolution R:140-2013. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

R:141-2013 Resolution Certifying That The Township Council Of The Township Of Monroe, Gloucester County In The State Of New Jersey, Has Reviewed The General Comment And Recommendation Section Of The Report Of Audit For The Year 2012

Cncl. William Sebastian made a motion to approve Resolution R:141-2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:142-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute A Shared Services Agreement With The County of Gloucester, New Jersey For The Use Of The County Public Works Vehicle Wash Facility

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C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION (cont'd)

Cncl. Ronald Garbowski made a motion to approve Resolution R:142-2013. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council in attendance.

CONCENT AGENDA RESOLUTIONS R:143-2013 THROUGH R:148-2013

Solicitor Fiore explained these Resolutions all deal with change in ownership, replacement of performance bonds and releasing of performance bonds. Cncl. Pres., Teefy explained the Federal Hill Subdivision located on Route 322 (going towards Glassboro) was bought by Beazer Homes and the subdivision is now called the Enclave at Monroe. These resolutions deal with the change in ownership and the performance bonds.

R:143-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Acceptance Of A Replacement Performance Guaranty Posted In The Amount Of \$480,661.80 For "Enclave At Monroe" Formerly Known As Federal Hill Subdivision #1745 Block 1301, Lots 25-26 (On-site Improvements)

R:144-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Acceptance Of A Replacement Performance Guaranty Posted In The Amount Of \$42,279.45 For "Enclave At Monroe" Formerly Known As Federal Hill Subdivision #1745, Block 1301, Lots 25-25 (Off-site Improvements)

R:145-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Acceptance Of A Replacement Performance Guaranty Posted In The Amount Of \$690,302.25 For "Enclave At Monroe" Formerly Known As Federal Hill Subdivision #1745, Block 1301, Lots 25-25 (Paving & Landscaping Improvements)

R:146-2013 Resolution Releasing The Performance Guaranty Posted In The Amount Of \$480,661.80 For "Federal Hill", Subdivision #1745, Block 1301, Lots 25-26 (Off-site Improvements)

R:147-2013 Resolution Releasing The Performance Guaranty Posted In The Amount Of \$42,279.45 For "Federal Hill", Subdivision #1745, Block 1301, Lots 25-26 (On-site Improvements)

R:148-2013 Resolution Releasing The Performance Guaranty Posted In The Amount Of \$690,302.25 For "Federal Hill", Subdivision #1745, Block 1301, Lots 25-26 (Paving & Landscaping Improvements)

Cncl. William Sebastian made a motion to approve Resolutions R:143-2013 through R:148-2013. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council in attendance.

R:149-2013 Resolution Adjusting Township Of Monroe Tax Records

Cncl. William Sebastian made a motion to approve Resolution R:149-2013. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

R:150-2013 Resolution Authorizing The Township Of Monroe To Enter Into A Settlement Agreement With Westchester Fire Insurance Company And Pantarelli Homes, Inc. For Completion Of Site Improvements At Serenity Woods (REMOVED FROM AGENDA)

R:151-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute The Urban County Cooperation Agreement With Eligible Municipalities For The Community Development Block Grant Entitlement And Home Investment Partnership Program Funds

Cncl. Ronald Garbowski made a motion to approve Resolution R:151-2013. The motion was seconded by Cncl. William Sebastian and unanimously approved by all members of Council in attendance.

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C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION (cont'd)

R:152-2013 A Resolution Committing Funds From The Affordable Housing Trust Fund For An Affordable Housing Assistance Program In Accordance With The Requirements Of The Council On Affordable Housing (COAH) And N.J.A.C. 5:97-8.8

Cncl. Walter Bryson made a motion to approve Resolution R:152-2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:153-2013 A Resolution Authorizing The Mayor To Enter Into A Memorandum Of Understanding With Diocesan Housing Services Corporation For The Purpose Of Advancing An Affordable Senior Housing Rental Development

Cncl. Ronald Garbowski made a motion to approve Resolution R:153-2013. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

R:154-2013 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute A Developer's Agreement With Beazer Homes Corp. For Subdivision #1745, Block 1301, Lots 25 And 26

Cncl. William Sebastian made a motion to approve Resolution R:154-2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:155-2013 Resolution Approving The Bill List For The Council Meeting Of July 22, 2013

Cncl. Walter Bryson made a motion to approve Resolution R:155-2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:156-2013 Resolution Awarding Professional Services Contract To Adams, Rehmann & Heggan Associates, Inc. For Dam Inspections, Preparation of Inspection Report and Updates To The Emergency Action Plan For The NJDEP For The Lower Victory Lakes Dam In The Township Of Monroe, County Of Gloucester, State of New Jersey

Cncl. Frank Caligiuri made a motion to approve Resolution R:156-2013. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

R:157-2013 Resolution Supporting The State House Commission Pre-Application To The NJDEP Green Acres Program For Diversion Of A Portion Of The Genova Property Township Of Monroe, County Of Gloucester, Block 13001, Lot 16

Cncl. William Sebastian made a motion to approve Resolution R:157-2013. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

D.) ORDINANCES - None

F.) GENERAL PUBLIC DISCUSSION

Cncl. Ronald Garbowski made a motion to open the General Public Discussion. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

Cheryl Ognassanti noted she was here this evening because she had a couple of questions for council and is looking for a few answers. Four months ago she presented a slew

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F.) GENERAL PUBLIC DISCUSSION (cont'd)

of paperwork and open public records and has not gotten any answers or concrete confirmation on what you concurred upon based on the open public records. She recapped why she was at the meeting and gave a rundown of what transpired at Trio Tavern from 2005 when it opened. The building was purchased in 2004 and an outside bar attached to their building was built in 2006 without a CO posing public health and safety risks. In May they opened a full blown bar out there with iceboxes and were selling liquor and in June she made two phone calls to complain about excessive loud noises, screaming and yelling all hours of the day and night. In August the Pinelands sent a letter to this township stating that building needed to be removed or proper application applied for. Two weeks later on September 12th this township mailed a letter to the Trio Tavern owners stating they needed a Place to Place Transfer license according to ABC regulations and a \$240.00 fee needed to be included with the application and if further advise was needed to please contact Det. Kuhn. Council was on board with that, as the letter stated they knew about it. Ms. Ognassanti noted she called ABC and they said that Mr. Fiore, as the town lawyer, is the one that reviews the paperwork and gives and grants the resolution for a Place to Place Transfer for bars and stuff like that. She posed questions to Mr. Fiore regarding whether the Pineland letters, CO's and permits touched his fingertips when he reviewed the paperwork for him to go ahead and provide the resolution and put forth the Place to Place Transfer, which was then processed with ABC. Solicitor Fiore noted he reviews many documents and he questioned what particular year she was talking about. She replied 2006. Mr. Fiore explained all the documents would have passed his hand and the Place to Place Transfer sets forth what was to occur at that point in time. She questioned even despite the Pinelands letter stating the structure was illegal. Mr. Fiore responded first of all, you are indicating/implying that I received the Pinelands letter and quite frankly, I don't recall if I ever received that letter. If you would like me to review all the documentation, I certainly will. Certainly at the time, I'm sure I had all the proper documentation to give the appropriate recommendation to Council for them to take appropriate action upon. Ms. Ognassanti noted the appropriate documentation would be making sure that public safety and health is at the forefront of granting licenses. This is not a shed in the backyard of someone's residence this is a commercial building where they sell alcohol and liquor and there are stringent regulations according to the ABC's handbook. Now, I am here tonight to tell you that you gentlemen, Councilmen have been on board with this Trio Tavern this whole time. This township has been on board. At this point Cncl. Pres., Teefy tried to make a comment but Ms. Ognassanti continued questioning whether he was trying to sensor her because she was not finished talking. Cncl. Pres., Teefy again tried to comment and Ms. Ognassanti continued talking until Cncl. Pres., Teefy loudly stated that he runs the meeting and was not finished talking either. He noted he was interrupting her and she needs to listen to him because she was making accusations, which are slanderous to Council. She stated I am not, I am saying that the paperwork points back to this township that has been on board with this and I am going by the paper trail only, sir. Cncl. Pres., Teefy responded that's fine, what paper trail do you have that says we are in cahoots. She replied it points back to this township sir, I called State agencies, I called fire prevention, I called ABC, I have called many State agencies, sir and I would like to make myself clear with this. Everything circled back to Monroe Township, this is a disgrace what went on here and this wouldn't have happened and I wouldn't have been suffering for seven years had this township done their responsibility as a township and insured public health and safety. Especially when a building has no CO, I will repeat it again, very hazardous to public health and safety, the building had no CO. Now, for seven years we had fire inspectors going in that building inspecting yearly and you renewed their license each year based on clearance on those inspections. So you tell me how they got away with this for seven years. I'll tell you who was on board, Zoning, Construction, Fire Prevention and the township, generally speaking Town Council. There are too many people involved, this couldn't happen without everybody being on board. Now, I do have all the letters, I have the paper trail and I have the documents, so the sequence of the time line, shows, clearly, that there was an alert and a flag to this addition. I would like to know why this could happen when we have a township attorney/solicitor, sir I might remind you that you hold a law license and responsibility in ethics, involved here to review paperwork to ensure public health and safety and you were voted in by the public to ensure that there is no bias, that there is no corruption, that there are no cover-ups. This is a legislative branch that oversees township issues and you are voted in for a reason, am I correct sir, to prevent bias. Solicitor Fiore noted by the accusations that you are making you are clearly accusing, I believe everybody that is sitting up here including myself, of

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some sort of criminal activity, is that not accurate, isn't that what you are saying when you say, we're together, we're bound, is that the implication you are making? Is that the implication you are making because if you are, I am going to suggest that tomorrow you contact the County Prosecutor's Office, contact the Attorney General's Office and I am going to advise the governing body that there will be no further comments. While Mr. Fiore was making his comments Ms. Ognassanti kept trying to speak by saying, sir, sir I would like to finish, I am not making any accusations. Mr. Fiore noted you asked me a question. This is the truth according to you. Ms. Ognassanti went on to say what I am clearly stating here is that this paperwork leads right back to Town Council. Mr. Fiore suggested to the governing body that based upon the accusations being made on the record that tomorrow, the township clerk make a copy of this DVD and forward it to Shawn Dalton and whatever other government agency you would like to review this to determine whether or not there was any criminal activity on behalf of anybody up here and anybody in this building. Ms. Ognassanti stated sir, if you have a guilty conscience that is not on me, I am making no accusations. I am stating that you are voted in to be unbiased. At this point Mr. Fiore interrupted saying anybody can stand up at that microphone and say whatever they like about somebody because there is a TV camera running and that is really not fair to people. Ms. Ognassanti noted she was going to read an email from Frank Caligiuri, my ward councilman who helped me get to the bottom of this illegal structure with no CO. They served liquor out of there for seven years and continued to be allowed to do this and jeopardized public health, safety and welfare of the public. She noted she received an email after Mr. Caligiuri was verbally and abrasively spoken to after the microphones were turned off after the first meeting by this town council. He was shaken and clearly upset and wrote me an email the next day at 9:00 in the morning. The email stated:

Dear Cheryl,

At the conclusion of last night's council meeting after the microphones was turned off the Council President accused me of something to the effect of sticking my nose into the Trio Tavern. Please correct me if I am mistaken but I believe, and you might agree, that my involvement began when you called me to inform me of your concerns. Immediately thereafter I contacted Fred Weikel on your behalf, as you had done, after which I phoned you to explain the status of the Trio's application and the protocol that the applicant must follow to remain in compliance with the law. Thereafter you contacted me again and once again I contacted Mr. Weikel and called you back with his findings. I then assured you that all applicable code would be upheld and in as much as you expressed concerns to the Pinelands Commission and the municipality of Monroe additional scrutiny was likely. Honestly, I am not sure what Mr. Teefy met when he accused me of sticking my nose in when in fact I simply responded to your call in a complete, concise and objective manner. The fact that Mr. Teefy publicly made these accusations does however concern me to some extent in as much as I honestly don't understand its meaning. It clearly had an abrasive than rather constructive tone. I would ask therefore that you be truthful and upfront with Mr. Teefy as to my response to you as my constituent and neighbor that in fact I stuck my nose nowhere except to respond to you as your representative on town council. I would further prefer to reclude myself from activity on the Administrative Committee on this matter as there may be a potential conflict. I have copied the committee chair with the hope that he will consider replacing me on that committee due to a potential conflict. As always if you have any questions or a need for additional information, please feel free to contact me and thank you again for the privilege to represent you on Town Council.

Ms. Ognassanti noted after she received this email I was so upset that Mr. Caligiuri was treated like this. My ward councilman got to the bottom of what went on here, he did his job and he did it well, I might add. Thank you Mr. Caligiuri. I called him that morning after I pulled this email very upset about the way this man was treated when he helped me get to the bottom of what was going on for seven years. He knew what I went through, my children were woken at night, the bar owners want to turn this into a mudslinging contest and that is not what this is about. This is about honor, respect for community and to respect people's quiet, peaceful domain that everybody enjoys and is entitled to in this community. Now, when I spoke to Mr. Caligiuri after this email, Mr. Caligiuri and I had a lengthy conversation and Mr. Caligiuri then stated to me that, and I'll give his words verbatim because I have them recorded that "perhaps I was correct when I said there just maybe other people with an interest in this bar". Am I correct Mr. Caligiuri? Cncl. Caligiuri responded I don't recall exactly what I said but I would agree with that for sure because the scope of my knowledge is what I see. He noted Cheryl I don't mean to interrupt you or anything and you can go on, but let me point some things out that I think you and I talked about several times. He explained the Town Council is a

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legislative body. Fundamentally we make laws and Lord knows people who make laws make all too many laws and inevitably everybody finds loopholes in the laws so I am not real keen on being a law maker, I'd rather be an enforcement person. I think if there were any issues related to Trio Tavern and yes, I have driven by and yes, I have heard loud music and yes, I've called the police and told them that you ought to tell those guys to lower the volume a little bit. And you and I talked about that before. Ms. Ognassanti noted you did your job and you did it well, sir. Cncl. Caligiuri indicated he appreciated that but the truth of the matter is that we are a legislative branch rather than an enforcement branch so we don't have any teeth, meaning if we see someone going through a red light, there is not a whole lot we can do about it. If we see somebody holding someone up at gunpoint we can't do anything about it and in cases of zoning violations the same is true. If there were violations here they were probably police violations, if there were any. I am not a witness to anything except the one time that I drove by and heard loud music and the many telephone calls you made to me. I am a witness to potential other zoning violations, criminal violation perhaps, zoning violations and those are normally handled through the Zoning Office or the Police Department. Town Council has pretty limited control over that. Now, as far as granting or renewing a liquor license, liquor licenses are of course issued by New Jersey ABC and we do have some jurisdiction on reissuing a liquor license, but not much. If the applicant didn't pay their property taxes for example or didn't pay their license fees or if there was some compelling reason that we could justify to the State of New Jersey why we can hold their liquor license, we could but other than that we don't really have a lot of jurisdiction. If we tried to withhold their liquor license without proper reasoning, and they are probably the only two reasons we could hold their liquor license back, we would get sued and they would win. Ms. Ognassanti noted she heard that before and that this township is very scared of them suing and then winning however this couldn't have gone on if ... (pause), I pulled the public records. Cncl. Caligiuri noted he understands that and I think what we may potentially have here, if anything, is zoning violations that were not enforced or criminal violations that were not enforced but the township council doesn't have any enforcement rights in and of itself. We have the right to take the information to Fred Weikel, like I did. I called him on the telephone and said can you investigate this. You and I talked and you said that perhaps there is a whole bunch of people involved in this. Ms. Ognassanti stated no, I never said that, I said that for this to happen to this degree and this level why would people put their jobs on the line. Wouldn't you agree with that sir? Cncl. Caligiuri replied okay, I would agree, that is a good question and in response to that I had said, well there is the State Office of Community Affairs. Ms. Ognassanti replied she did call them and thanked Cncl. Caligiuri for that information because they did come down and issue a stop work order. I did nothing, these bar owners tell people I had the power to shut them down, they shut themselves down by not following the law. Cncl. Caligiuri explained the Office of Community Affairs would investigate all the people involved, such as the zoning officer to see if somebody is paying somebody off or the police chief or any of the council people. Ms. Ognassanti stated she never implied that. Cncl. Caligiuri stated I know you never made those accusations but I'm saying that if there were any wrongdoings administratively or locally the Office of Community Affairs is charged with investigating that. But, as a governing body I am empathic with you and I am also sympathetic with you because you live there. I don't and I don't know what I would do if I did. Ms. Ognassanti noted and you witnessed a massive carnival like party with over occupancy and parking up and down the shoulder of the highway for about a mile down the road causing potential problems. Cncl. Caligiuri noted I didn't and you did and that's fine but even if I did or any of the members of Council did there really isn't anything we could do short of calling the police. Ms. Ognassanti, well sir, my issue here is, when yearly fire inspections go on and there is no referral made for a building with no CO, because that is proper procedure and protocol, would you agree? Cncl. Caligiuri, that's correct, I agree, yes. Ms. Ognassanti questioned how come there is no referral back to construction, why isn't there a CO in this building, that's important and I haven't gotten any answers. Cncl. Caligiuri, that's a good question, I would agree. He referred to the Solicitor on this. Mr. Fiore stated there generally would be, the obvious answer is that somebody didn't do what they were supposed to. Let's assume you are 100% correct, somebody didn't do what they were supposed to do. At this point in time, I think what you are asking is; I finally get the point of what you are asking for. You are asking that council at my direction take some sort of retroactive action, correct? Ms. Ognassanti questioned why the law wasn't enforced when I called and complained and had police officers on my property that witnessed it. Despite their wonderful compassionate

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approach and going over there and shutting the music down for me, I had a lot of good officers that came on my property. I also spoke to some abrasive officers that told me over the phone that they had rights and entertainment permits, which had nothing to do with it. Mr. Fiore responded, Cheryl let me just try to answer your question, as we are getting way down the road here. At that point in time based upon what you are telling me if it was that obvious it was directed to someone and perhaps someone didn't do what they were supposed to do at the time, but at this point in time sitting here in 2013 we cannot retroactively go back. I don't know who you spoke to at ABC but if you would pose a question and say may we retroactively pull their license from prior years, no, we can't do that, we clearly cannot do that. Can we take punitive action, penalize them, fine them we can't do that as well. We can only deal with what is happening prospectively, that's all we can do. Ms. Ognassanti replied okay, I respect that, I just don't understand. This is not a small business, this is where regulations and liquor sales are done and conducted and for seven years this went on. This is serious, there was a fire there, people could have been killed that's how serious this is. The bottom line is when I went through each and every category there was a deck permit submitted to the Zoning Office but a pole barn plan was given, not a deck plan, a pole barn plan. When those two things don't add up and there are no proper drawings for footings for a deck and there was no deck, it was a pole barn on the asphalt with asphalt footings, enclosed and then screened in and it was attached. According to Pineland observations, not my observation that was considered an addition and it was an outside bar. To sell liquor like that and disrupt the peace and tranquility of a resident is absurd, it's despicable what my children had to go through on school nights; bringing down my roof with base, karaoke out all night long, screaming and yelling on microphones and massive crowds of people out in a structure that should never have been there. When I started pulling public records I was baffled, then, not only that, but I started pulling public records six months before their fire. Then their fire occurred and shortly after that two detectives show up at my door; one of them bullied me, used bully tactics. I don't respond to bully tactics. I was cooperating and answering questions and at that point I said I will not speak with you because I don't respond to bully tactics and as a matter of fact give me your card, Det. Anthony Canonica because I will be contacting your Chief if you use these bully tactics on me again. Then he went and proceeded to say that he was going to take this to the next level or possibly do whatever. That's despicable that I have been backed off for seven years and they wouldn't even tell me why they were on my step. I was just being bullied by the one detective. The other detective was very professional. I don't know that gentleman's name but I told him thank you for being professional to me however I will not be speaking anymore because I do not respond to men bullying me or anyone, women either. But none the less, I have been backed off. The people know who they are that tried to back me off. For a bar with no CO outside and I might add another coincidence, could be just a coincidence, but make the connection. This bar has, and I believe he is sitting in the audience, Mr. Gil Miller, the retired State Police captain that pedals his hotdogs and hamburgers there, well who is affiliated with ABC but the State Police. Those two entities regulate alcohol and beverage control, they work hand in hand, that's what I was told. Now, just a coincidence that all these coincidences just happen to happen and paperwork links Zoning, and I like Fred Weikel, I think he is a nice guy, but he told me out of his own lips this structure should have never been there. Mr. Caligiuri confirmed that.

Cncl. William Sebastian requested to interrupt for a second. He noted speaking personally for himself, he can't speak for the rest, he was first elected to council in 2006 and re-elected in 2010. In all my 35 years in this township I have never set foot on Trio property and the owner I met once casually at a function at the Knights of Columbus; that's it. And we only, as Council people, can only follow the recommendation of the professionals and the clerk. As Mr. Caligiuri said the only responsibility we have as far as the Trio Tavern was concerned, as a council was the approval of the license transfer and that was done based on the information given by our professionals. We are not going to second guess them, that's what they were hired for. Ms. Ognassanti questioned professionals, what kind of professionals, please elaborate on that. Cncl. Sebastian replied he is talking about the Solicitor and the Township Clerk; they put the information together. If you're at a meeting and the President asks if all the paperwork is in order the clerk responds to that. She gets the information from the township solicitor, that's it and that's all we have to do with this. You are talking about ancient history as far as I am concerned and there is nothing I can do about that or anybody else on this council. Ms.

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Ognassanti questioned whether he would consider ancient history part of her children being awakened at night. Cncl. Sebastian replied I'm telling you Cheryl there is nothing we can do about what is already done we can only work on what is before us now. You mentioned the Department of Community Affairs and he questioned Mr. Heydel (*through the Chair*) on whether the Department of Community Affairs was here doing a lookup on Trio Tavern as far as our Construction Officials were concerned. Mr. Heydel noted he could not honestly answer that because he was not sure. Cncl. Sebastian referred to the Clerk and questioned whether she could answer that question. The Clerk replied she knew the Department of Community Affairs contacted our Construction Official. Mr. Heydel added they were not physically down here but may have contacted the Construction Officials. Cncl. Sebastian added I remembered a conversation that I had with the Construction Officials and they said the Department of Community Affairs was checking into it. Ms. Ognassanti noted these bar owners were shut down with a stop work order for what they should have been shut down for seven years ago and I will explain why this is so disconcerting to me as a resident. Because they proceeded to reconstruct their new bar, you are aware of this sir, Mr. Fiore I discussed this with you. Solicitor Fiore replied I am not aware of this, I ride by like every other resident and see that somebody is rehabbing the building, I don't have any superior knowledge of what they are doing. Ms. Ognassanti interrupted Mr. Fiore saying he is aware of it through the public records that she presented to him to concur with what she is saying. He added I do not have any greater knowledge than anyone else sitting here. I do not go through Trio Tavern to see if they are putting an addition on. She noted respectively speaking the whole council then is aware of it. They went and proceeded to reconstruct again, after having an illegal outside structure that posed public health and safety risks for seven years, went ahead and came down to Monroe Township and applied for permits again and they were given to them without proper Pinelands. Mr. Fiore questioned through zoning. She replied yes, sir. Mr. Fiore questioned whether that was before or after Mr. Weikel told her that they previously should not have had their approval, because you indicated that Mr. Weikel made some kind of statement to you so give me some context of the date and time when he said that to you. You said that initially he said that the original ... Ms. Ognassanti interrupted and said they were already constructing at that time, which means that he was aware that outside illegal structure should have never been there but they were also already granted new permits despite the fact that they never went down to Pinelands, again and properly filed an application to get a COF (*Certificate of Filing*), which then would be their approval to come and get their permits. Why does Monroe Township continuously give these bar owners permits despite the fact that there is protocol involved here to ensure public safety and health. This has been going on... Mr. Fiore noted can I answer your first question, she replied yes sir. Mr. Fiore noted you said they needed a Certificate of Filing. He went onto explain that when they applied for zoning Mr. Weikel's determination is going to be whether or not the structure adheres to the zoning, that is going to be the number one part of his review. Number two, as to whether or not the structure or the change or alteration is going to be significant enough, in his opinion, whether or not a Pinelands application had to be filed. He must have made that determination at some point in time as the Zoning Officer that number one, it conformed to the zoning and number two, that there was not any requirement that they go through the Pinelands process. Ms. Ognassanti noted he said he wasn't aware of the Pinelands process but when I pulled old paperwork, Pinelands had to be contacted to get concrete slabs put in for their refrigerator storage so everybody knows Pinelands is on board here but to get this kind of feedback, to get this kind of reinforced, I don't know anything consistently throughout Monroe Township and yet these bar owners are continuously able to build what they want and do what they want clearly shows some type of favoritism going on. Mr. Fiore noted can I just ask you one question that is kind of Cncl. Caligiuri interrupted and requested that the Clerk describe that process, as they don't have any permits in place right now. Mr. Fiore questioned permits in place for... Cncl. Caligiuri replied for reconstruction of the pole barn. The clerk and solicitor noted we haven't gotten any permits. Cncl. Caligiuri requested the Clerk to describe the Place to Place Transfer process and what exactly happens at this point with respect to construction. The Clerk noted at this point what transpired at the last Council Meeting was that Council took action on the application for an inactive license so they have nothing to look at yet because it is not going to active status yet. When that happens a certain criteria must be followed, certain pages from the application, I don't know off the top of my head what they are, must be submitted along with the approvals, the construction CO and the zoning permit. All that will be included in that application when it

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comes forward to go into active status. Cncl. Caligiuri noted as far as construction, Cheryl, I mean if possible the applicant can construct at risk without permits but he doesn't get a CO unless all the paperwork is filed properly. You and I talked about that as well. So with all the eyes on the system, everybody is going to have to dot all their i's and cross all their t's and enforce the law, which is everything that you want us to do. There is nothing more than enforcing the law that anyone can do. She interrupted Cncl. Caligiuri and stated I do, I really want the law enforced at this point. Cncl. Caligiuri went on to say there really isn't any possibility at this point that anything less than that can happen. Ms. Ognassanti stated she does not understand how you can grant a renewal on a license, which is your end of the deal every year for seven years despite the knowledge that I was complaining to town council, Mr. Bryson was the first, Mr. Caligiuri was the second one. Despite complaints to Zoning, and I have the complaints, I pulled the paperwork, I see what the formal complaints look like. Despite all these red flags every year they were re-granted and renewed a license. Mr. Fiore noted the red flags you are referring to never reached the Clerk's desk and they never reached my desk. We are provided with again on behalf of the governing body, we are provided with a completed application, with all the indications that zoning is in place, so when they are received from the second floor and they hit my desk, for lack of a better word, and they come to the Clerk's Office that is what we are prepared with. We don't get the application and go down to the Construction Office to make sure that they got their approvals; that never reaches our desks. Ms. Ognassanti questioned whether they received any CO's with that packet. Mr. Fiore replied no, no, we don't. Ms. Ognassanti stated ABC told me that you are the entity to look at with this licensing issue. Mr. Fiore replied they told you that I am the entity that looks over the license. She clarified her statement, they told me that you review the paperwork. Mr. Fiore explained I review the paperwork, the application that has been prepared, certify that there have been no changes that particular year and that is the application that comes before us. If there are any changes it would come from Zoning and Construction, that's the review. Again, yes I review it, I prepare a resolution, the Clerk is involved in the process, the applicants whether its Trio Tavern, Geet's Diner, the Library IV they pay their fees and we make sure the application is completed, that is has all the information and that there are no blanks. Beyond that our review does not include going into construction and looking in the file to see what's happening. Ms. Ognassanti felt that someone should look into things when you have residents complaining that there is excessive noise coming out of this building. Mr. Fiore noted correct me if I'm wrong, but the first time you came to register what your concerns were was about a year or two years ago, not seven years ago. She noted she has called and came to the Council Meeting several years ago and has gone to court over this. Mr. Fiore explained if you call the municipal court and complain about a problem or if you contact the Police Department the system does not provide for them to contact me to say next year when you are going to review their liquor license take a look at this. That is not part of the process and perhaps it should be but it's not part of the process up till now; it's really not. Our job is to make sure that the application is complete, we prepare the resolution and the respective applicant pays their fee. There is not any conspiracy that Fred Weikel contacts me asking whether I think they do or don't need a CO. Ms. Ognassanti noted I never implied there was a conspiracy, I said there was a broken system involved. Mr. Fiore noted that is different than what you said earlier. Before what you were saying it was criminal or maybe I said it was criminal but the implication Ms. Ognassanti interrupted Mr. Fiore and stated my implication was nothing more than the paper trail leads back to this township over and over again and that people were on board, sir. Mr. Fiore stated again, I just want to be clear, when you are saying on board meaning Ms. Ognassanti stated I'll tell you again what I meant by on board. When somebody in Zoning says this is acceptable for me to give you a permit for a 30' by 40' deck with a roof but there is no drawing or plan for a deck with a roof, there is a pole barn plan submitted. Mr. Fiore replied that never reaches me or the governing body, that doesn't. Ms. Ognassanti replied that is fishy. Mr. Fiore responded no it is not fishy, that's the process. She went on to say I'm talking about what was submitted to Zoning, that's fishy because I'll tell you what's involved in a deck. If I went to build a deck on my property I would have to obtain a permit and I would have to submit plans and drawings for that deck. I would have to show footings that support that deck and I would have to get a certificate of approval to have people walking on that deck but there was no deck out there. They had a permit for a deck and a pole barn for a plan. How does that happen in a township that has regulations and safety codes? Mr. Fiore replied it shouldn't happen. She responded thank you, that's what I was looking for, I'm looking for some accountability and some

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F.) GENERAL PUBLIC DISCUSSION (cont'd)

acknowledgement here that should have not happened. Mr. Fiore noted it should not happen at any time but let me ask you a question at this point in time, what would you like us to do, what would you like for me to recommend. I told you we can't take retroactive action, we can't take punitive Ms. Ognassanti noted what you did tonight sir was the start of the accountability process and that is what I was looking for. Mr. Fiore replied thank you for that but I am not going to be accountable for something that I was not and none of these people were responsible for. She stated I said that you are starting to acknowledge that should not have happened. Mr. Fiore added it shouldn't happen anywhere, it shouldn't happen in any process. While Mr. Fiore was speaking Ms. Ognassanti stated I appreciate that you acknowledged that. Mr. Fiore questioned moving forward, what would you like the governing body to do, I'm going to kind of cut to the chase because She stated glad you asked. I would like the laws to be enforced. I would like when over occupancy occurs over there that I can pick up the phone and call the fire department or whoever is involved or the police department and say there is 300 people over in this parking lot with speakers the size of refrigerators so are there proper permits here and if there aren't any why is their occupancy exceeding and why is parking up and down the highway when there are clearly signs that say no stopping or standing. My young, new driver daughter can't pull out from my street because she has to look past vehicles that are blocking the roadway because no one is regulating anything with this bar for safety and procedure practices. That is disturbing to me so for you to acknowledge that should not have happened, thank you I appreciate that. Mr. Fiore replied no, I said I acknowledged about the permit process, I'm not going to acknowledge anything that you're talking about ... Ms Ognassanti stated yes that little piece, I'm glad that you did that. Mr. Fiore noted that will go a long way and hopefully it will not be misquoted on some level..... she stated it is not going to be misquoted, I unlike a lot of people, I am a very fair person, Mr. Caligiuri knows how I operate and I am upfront and very fair and very truthful. I am here to seek what I should have gotten seven years ago and that is some resolve to what was going on instead of being mistreated and backed off and told that these bar owners have rights and I have to sit there and endure it. I'll tell you what the law or ordinances state, it says anything that is audible, plainly audible within fifty feet of any direction is breaking the town ordinance. Now, I videotaped excessive music from 500 to 600 feet away and it was still blaring in my video camera. Now, this is a disgrace what is going on, you can only image how loud it is coming through my backyard all hours of the day and night. I have police officers on my property that witnessed it and a lot of them were very good. Why proper fines and penalties and law enforcement wasn't imposed here, not to mention that this building had no CO. It is disturbing to me and I'm sure it's disturbing to any public person that wants to know that their children or their parents frequent a place like that. There are laws and building codes enforced to protect the public, why wasn't that done in this township. That's disturbing to me that I live here and that I was treated the way that I was treated with detectives at my door bullying me because I pulled public records and delve into this. I will get my peace and I'm glad you said moving forward because moving forward I would like for this never to happen again. I would like laws to be imposed and made an effort on this township, that's what I'm looking for. Will I get it sir, will I get it sir. Mr. Fiore questioned whether she was directing that question to him, as he did not realize he was.... She noted well you're the township attorney, I look up to you sir, I look up to you because you are a lawyer, you know the law, you are schooled in the law; I have many lawyers in my family. Mr. Fiore replied the law is going to be enforced with every resident in the township. Again, you have talked about a lot of things tonight, you really have and I am going to assume that the law is going to be applied fairly to everyone. Ms. Ognassanti responded okay, thank you I appreciate that, have a good evening gentlemen, thank you for your time.

Cncl. Pres., Teefy noted there were no other names on the list to speak but there were other people in the audience and he questioned whether anyone else would like to make any comments. At this point people from the audience began speaking with one man saying she says the same things every week. Cncl. Pres., Teefy requested the man to state his name. He stated **Mike Marsh, owner of Trio Tavern**. Mr. Marsh went on to say it was not an enclosed structure and it was not illegal and it wasn't attached to the building. She said that you confirmed that to her two months, in her statement she said that you concurred with her so I'm just letting you know it wasn't illegal. Cncl. Caligiuri replied I don't want to be accused of things that I don't do, I get accused of enough stuff that I do do. Mr. Marsh replied I know you guys are being accused of a lot of stuff. I'm just letting you know it was not attached, we got a

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F.) GENERAL PUBLIC DISCUSSION (cont'd)

CO. Joe Elentrio spoke out saying if someone comes up and makes you look like you are a criminal, we can't speak out on television it is very aggravating. We don't have any money left to go after her and sue her but you know she is calling us everything but Cncl. Caligiuri interrupted stating before I get beat up and accused of a lot of stuff that I didn't say. I responded to the resident and gave the resident direction. I didn't verify whether or not you had a CO or not, she obtained that information from Mr. Weikel, so there was no way that I could find out whether it was true or not so I can't make the ac..... At this time other people in the audience began talking and Cncl. Caligiuri repeatedly said wait, wait so that he could speak. He noted in order for me to respond to the resident I told the resident that she needs to verify the information, I don't have a book that has everybody's CO in my pocket, so I don't know whether you have one or not so the only thing.... Mr. Marsh noted I am not accusing you of anything, I am just telling you that she accused you of something in her statement to this council, she accused you of concurring with her findings. Cncl. Caligiuri replied right, well that is not correct. Mr. Elentrio noted her findings are completely wrong, we had inspection on top of inspection. We never got a favor from anybody, not one favor. We get inspected, we get reinspected, we get shut down, the Pinelands walked all over us, we have been out of business for eleven months because of an arson fire and nobody even investigated them who complained about us. She chased the cops from investigating, they were scared they were going to get sued, nobody investigated anybody here and nobody had more motivation than they did. We didn't have a problem with anybody in this town, nobody, the cops, the committee, no one until this came along. Now, we're Jessie James and the Outlaw Brothers. Cncl. Caligiuri added I have been accused of being paid off Mr. Marsh added she has accused everybody of everything. She did call the DCA and the DCA did come down, all the building inspectors were on the property with two inspectors from DCA. I don't have my file with me but I do have their cards in the file and they walked through the building and they told the building inspector everything was fine as long as we got straightened out with the Pinelands; everything was good to go. Mr. Fiore questioned Mr. Marsh on whether the stop work order has been lifted. Mr. Elentrio replied yes, now we have to get our contractor back to complete the work. Mr. Fiore noted when I spoke to your attorney some time ago about the process I indicated that when you come back in for the reactivation of your license just make sure that the diagram on your application matches what has been approved by the town because the diagrams were a little conflicting on your renewal; make sure they match. Mr. Marsh explained when we completed the application we went with the existing building because in February they told us that everything was grandfathered in so we wouldn't have a problem. Of course it took over 70 days to get that letter from the Pinelands. They spoke of being out of work for eleven months, how they never had a band outside after 7:00 PM and how she complains about the people parking on the side of the pike. People didn't park on the side of the pike but that's where she parks when she takes our pictures and she has pictures of the DCA guys being there because she was filming us then. Every time we open the door when we had the stop work order, she filmed us, just so you know. Mr. Elentrio noted if she did this to any other business in Williamstown they would be out of business, whether it's Taylor's or Sharkey's or anyone else. If she took pictures of every property on the Black Horse Pike they would be out of business, that's what she did to us. Because of the laws today anybody can do anything to anybody and get away with it and we are trying to make a living. Mr. Marsh added just so you know we did have a CO, the DCA was there, it was not an attached structure, it was not attached to the building. We applied for a deck on the asphalt, it does not have footings on asphalt, that's what we applied for, the deck. We then decided to put a roof over top of it and we applied for and got a permit and we got everything except the thing from the Pinelands, that's the only thing. Anything that the town requires us to do, we do and as far as her noise complaints, she was the only one that called about noise and we told her to take us to court and she did. We told the cops, the cops came to our bar and said we got a complaint. They did not come to our place first they went to her place first so we didn't know who it was and for two years we didn't know who was making the complaint. The judge dismissed the case, threw it out of court and told her to grow up, get our phone number and if she had a problem with the bar to call. Mr. Marsh gave her his phone number and she called once, never called again. She stopped in the bar to thank me for turning the noise down, which at 7:00 PM, maybe 7:30 PM on a Sunday, the one time they did go late I wasn't there so I called them and they shut the band down immediately. She thanked me and I never heard from her again. I didn't know who was complaining at the time. Just about everything she says is wrong ... you don't understand the procedure, we applied for the deck

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F.) GENERAL PUBLIC DISCUSSION (cont'd)

and in order to get the deck you have to apply to the ABC to get a Place to Place Transfer because it is an extension of license and we did that first. Then we went to the town and got all the permits to build it. We did everything right. And Mr. Miller he is just a friend of ours, he doesn't really cook hotdogs, we just put his name on there to bust his chops plus we couldn't afford to pay him.

With no one else wishing to speak **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

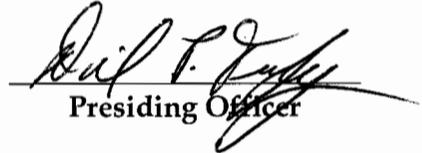
G.) ADJOURNMENT

With nothing further to discuss **Cncl. Ronald Garbowski** made a motion to adjourn the Regular Council Meeting of July 22, 2013. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Susan McCormick, RMC
Township Clerk


Presiding Officer

These minutes were prepared from excerpts of the tape-recorded proceedings of the Regular Council Meeting of July 22, 2013 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 _____ *sm* _____
Approved as corrected _____

Date 8/26/13
Date _____