

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
OCTOBER 26, 2015**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President Frank J. Caligiuri** at approximately **7:02 PM** in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

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

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

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present
Cncl. Marvin Dilks	Present
Cncl. Rich DiLucia	Present
Cncl. Bob Heffner	Present
Cncl. Bart McIlvaine	Present
Cncl. Cody Miller	Present
Cncl. Pres., Frank Caligiuri	Present
Mayor, Daniel Teefy	Present
Business Admin., Kevin Heydel	Present
Solicitor, Charles Fiore	Present
Engineer, Chris Rehmann, ARH	Present
Dir. of Public Safety, Jim Smart	Present
Dir. of Code Enforcement, George Reitz	Present
Dir. of Public Works, Bob Avis	Present
Deputy Mayor, Andy Potopchuk	Present
Municipal Clerk, Susan McCormick	Present

B.) MATTERS FOR DISCUSSION

- **Peach Country Garden Center – Block 14301, Lot 10**

Solicitor Charles Fiore explained the procedure being followed by the Attorney (*Holston, MacDonald, Uzdavinis, Ziegler & Myles*) on behalf of Smith Orchards. They are contesting the bill generated from the township engineer as part of their review process. He added under the MLUL (*NJSA 40:55D-53.2a*) he is sending the notice to council. The council can then decide to mediate that with the applicant and their attorney, with the engineer being involved or they can go directly to the Gloucester County Board of Appeals, it would be whatever option you (*council*) choose, if you rather defer to the Board of Appeals you can certainly do that or you can attempt to mediate and resolve the issue. Mr. Fiore added that Chris Rehmann is ready, willing and able to do whatever is necessary in order to set forth

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B.) MATTERS FOR DISCUSSION (cont'd)

what he believes is a very reasonable position. **Cncl. Pres., Caligiuri** noted he would like to hear what the solicitor's recommendation would be as there are two factors to consider here, one is to remain consistent and at the same time also consider the fact that Peach Country is a ratable here in Monroe Township and this may be worth some consideration. **Cncl. Bryson** noted he would request this go to appeal only because it is our township engineer that is involved as it would be the fair thing to do. Mr. Fiore then explained the statute requires either for council to mediate it or defer it to the board, so it wouldn't go to the board and come back to council. Over the past few years there has only been one appeal and that went directly to the Board of Appeals as council chose not to be involved in the process. **Engineer, Chris Rehmann** then explained the Planning Board gave him approval and there is an inspection requirement which is 5% of the cost of bond he then questioned if a bond was to be posted. Kathryn Cornforth advised there was no bond required. Mr. Rehmann then noted we gave him an estimate of costs based on the site improvements and he is allowed to apply the costs for the inspections in increments. He was required to put \$5,000.00 up and during the process he never notified anyone he was doing all the work, now he has all the work done he has built a shed or a storage area in the back which was part of the approval, which he has a perfect right to do and that is now being leased out to various landscapers without any additional approval by the township. Mr. Rehmann added that he has since paved, but we have no idea what he has paved so what he has done is had additional costs associated with our trying to figure out what is going on. Mr. Smith is, in a sense, just ignoring what his responsibilities are, in my opinion. There is no question he has an approved project, he is not doing what is on the approval. Mr. Rehmann then advised that our zoning officer has refused to give him a use permit for the back. He can come in and he can get approval to add additional people/uses on the site, there is no question he can do that but he just doesn't want to do that. We have no idea, does he have bathrooms back there, what is he doing with his materials? Does he need handicap parking, lighting and other requirements that are necessary for a site plan? **Cncl. Pres., Caligiuri** noted he understood the area he is supposedly (*inaudible*) is only temporary because he had planned to use all that for his business, storing mulch and things like that. He is just allowing some of his friends per say, to occupy that for cold storage. Mr. Rehmann advised now if he came into Planning and said I would like to amend my site plan for temporary use of the building for storage or lease holders for a period of two years it is a simple motion for the Planning Board to say Okay, makes sense. However, without that we have no ideas of what is happening and the changes. **Cncl. Dilks** noted he had a process to follow which he did not and questioned the status of the site inspections, if any. Kathryn Cornforth explained there has been *some* inspections but not on absolutely everything, we ended up going out there because he asked for a CO and asked us (*ARH*) to do a CO inspection and we found that some of the improvements were installed without our knowledge. **Cncl. Dilks** then referred to the bill in question from ARH and questioned if this was a routine process. Mr. Rehmann responded that was correct. He then noted we have been the engineer here for many years and this is the first time I have had this happen. Mr. Rehmann added that he believes he is a reasonable person, if he had just called and said I don't understand this, let's sit down and talk, that would have been the approach. But because he chose this, now I am ready to defend Adams,

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B.) MATTERS FOR DISCUSSION (cont'd)

Rehmann & Heggan at the Construction Board of Appeals. **Cncl. Dilks** questioned if Mr. Rehmann had spoken to him (*Smith*) at all. Mr. Rehmann responded, he has not. Kathryn Cornforth then noted when the bill went out initially Peach Country Tractor did send an email in reply to the invoice asking for explanation. The explanation was provided via email and no other questions were asked and then the complaint was filed. Mr. Rehmann explained that our process is every bill that we send to the township on a construction escrow account is also sent to the developer/owner so that they can see what is being charged and if they want to question that they can contact us. Mr. Rehmann added we dealt with him (*Smith*) on the Rex Avenue issue and he created a lot of costs for the township and we worked it out, we found a solution, he cooperated and there was a relationship I thought, apparently not in this case. **Cncl. Pres., Caligiuri** then noted this comes to a council decision, whether this goes to the board or it goes to mediation and if it goes to mediation can it go to the board. The solicitor explained the first step under the statute is to go to mediation first with council which can be done in a committee form or the full council membership however once it goes to the Board of Appeals mediation is not an option. This does not happen very often, it has happened twice in the twenty some years since I have been here. **Cncl. Dilks** noted I know he is a tax payer but there is a process every developer, every business, must go through and I don't think we should get involved in this, let it go directly to the Board of Appeals. **Cncl. DiLucia** then questioned the recommendation of the solicitor. Mr. Fiore responded that his recommendation would be to go directly to the board because you are put in a situation where you are dealing with the township engineer and you just want to remove yourself from the process. **Cncl. DiLucia** noted that he would concur with the recommendation of the solicitor. It was the consensus of council members to concur with the solicitor's recommendation. Mr. Fiore advised he would contact the attorney in writing with the decision of council.

• **Williamstown Fire House Renovation**

Joe Kurz – President Williamstown Fire Company approached council members and spoke on a process that began last March in regard to a request for renovations to the existing 291 Fire Station located at 555 South Main Street. He advised initially we sat down with the Public Safety Committee, who at that time gave us the go ahead to contact an architect. At this time he introduced Dan Rodier (*Rodier Ebersberger Architects, LLC*) to further the presentation. Mr. Rodier submitted a copy of his proposal to council and mayor which included all the required renovations to this existing station, adding that this would understandably be a long process over a number of years and a number of phases. The proposed station upgrades would include items such as:

- Addition of a second story to the existing building for needed additional space
- Renovation of the existing first floor spaces on the office wing of the building
- Renovation of the Existing Apparatus Room
- Repair/replacement of the existing roofing and flashing
- Upgrades to the HVAC and lighting systems throughout
- Additional circuiting added to the emergency generator
- Display space for the antique fire truck and other memorabilia
- Providing much needed additional storage space

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B.) MATTERS FOR DISCUSSION (cont'd)

Cncl. Pres., Caligiuri posed a question to the solicitor with regard to the project going out to bid as the proposed amount is over the bid threshold. Mr. Fiore explained he would recommended doing an RFP/RFQ due to the amount of money associated with it as it is a professional contract. **Cncl. Bryson** questioned if the project was broken down into phases. Mr. Rodier responded, we don't know what the phases are going to be at the present time as it will depend upon our initial investigation of the building itself with looking at the structure. Looking at it from the initial drawings (*and this would have to be verified*) it looks like the existing foundations can support a second floor, which is good news. The walls themselves would have to be reinforced to support that. **Cncl. Pres., Caligiuri** questioned the business administrator if funding for this project was in the budget. Mr. Heydel responded that we budgeted \$75,000.00 this year and we are slated to put \$75,000.00 in next year's budget, adding this is what was in the plan. Mr. Rodier noted depending on what funding is available and how the phases are broken down we can work that out. **Cncl. Bryson** questioned if the proposal included just design or does it include design and some construction. Mr. Heydel advised this is just an architectural design and what we budgeted was a total of \$150,000.00 (*as noted above*) and the architectural engineering fee is \$118,800.00. **Cncl. Bryson** then questioned the status of the Cecil Fire Company as that was one that was a priority as well. He also noted the place that had the most problems and the fire house that needed the most work was Cecil. **Cncl. Heffner** noted he did not feel we were considering putting any real money into Cecil due to the foundation issues and the fact that the property is sinking. Therefore, it would not be valid to do anything with that building, it is more that we have been looking at different properties for purchase or a property we can secure through the foreclosure process to relocate the fire company. We can't expand, the cell tower installation pretty much shed light on the fact that we have been operating illegally down there. Other than making emergency repairs to keep the building useable there is no sense sinking a whole lot of money into the facility. **Cncl. DiLucia** referred to an architectural study that was done earlier in the year and questioned the cost of it. Mr. Heydel advised he was not sure of the cost to do an architectural design however it did cost \$5,000.00 for the estimate/analysis he did give us. **Cncl. DiLucia** noted the architect at that time laid out three (3) separate plans and they included 2nd floors and additional space, similar to what was presented this evening, with costs/estimates associated with each proposed plan.

Joe Kurz then responded that estimate Cncl. DiLucia was referring to was from Robbie Conley and the final proposal he gave was not what the fire company requested, it was like a Taj Mahal, he came out of left field with a proposal that was totally ridiculous. He believes the council and mayor at that time just left that die. When the new administration took over we asked again to sit down with the Public Safety Committee, which we did, and go over our wants and needs. The committee listened to us and they agreed with what we were asking and told us to move forward with speaking to an architect. That is when we contacted Dan (*Rodier*). **Cncl. DiLucia** requested Mr. Kurz to give him a general idea of how the proposal submitted this evening will vary from the previous plans submitted by Robbie

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B.) MATTERS FOR DISCUSSION (cont'd)

Conley. Mr. Kurz responded that he had a lot of gingerbread in there that we were not looking for, a lot of extras such as a third floor. His proposal was somewhere in the \$1.5 to \$3.6 million depending on which one (*plan*) was decided upon. Mr. Kurz indicated this was way more than what we needed or wanted. **Cncl. DiLucia** questioned if there was any way to place some ball park figure on this, if we did it in phases. Mr. Rodier noted, again we haven't really started doing any real investigation once we initially start this we will come up with a cost estimate. **Cncl. DiLucia** questioned the figure included in the proposal (\$118,800.00) submitted to council and if there would be any phases. Mr. Rodier explained basically the way we bill, even if it is per phase, we only bill for work we have done. Initially if phase one is (*for arguments sake*) putting on a second floor we would go through a schematic design and estimates and we would only bill for that portion. He then went on to further explain the billing procedures. The solicitor then advised that the township would have to come up with an RFP for the project. Mr. Heydel advised this would be an RFQ (*Request for Qualifications*). **Engineer, Chris Rehmann** then noted an RFQ could include a closed envelope of what the cost would be so that you outline what you are looking for and request that people give you their qualifications, you then go through an interview process, select an architect and then the envelope is opened and you say OK this is what this will cost and if you don't agree you go on to the next RFQ. Mr. Fiore advised we actually used this process for the library facility where there were actually 7 or 8 RFQ received, with Dan (*Rodier*) being part of that process. **Mayor Teefy** then noted the fire company is going with a three phase approach can we put that in an RFQ (*a three phase approach*). Mr. Rodier noted what was explained to us by the Public Safety Committee was a three phase project (*inaudible*). **Cncl. Bryson** questioned if you take the three phases in individual phases or do you take the three phases as a total when you do the RFQ. Mr. Fiore responded you have to do all three, you can't do it piece meal. Mr. Rehmann noted that he would strongly recommend that you select an architect for the job, you may not approve three phases but if you do you want the same architect for the phases so that you can keep it consistent. That will save you a lot of time, effort and money. There was continued discussion on the bid thresh hold, the RFQ process and professional services contracts and the basis on how they are awarded.

C.) PUBLIC PORTION

Cncl. Miller made a motion to open the Public Portion. The motion was seconded by **Cncl. Heffner** and unanimously approved by all members of Council.

Carol Stevenson - 921 Lois Drive spoke on the basin that was to be budgeted for this year and how it is obvious that it is not going to get done. She then question if the basin work would be included for next year. **Mayor Teefy** responded that we will look to try and add it in next year. Mrs. Stevenson then spoke on the large storm that took place in June and due to that now there is a large amount of trees that came down and went over the pond causing damage in the area of the pond and all the water then goes out to the woods. Now there is debris all over the area. She also noted that she has been in town for some 47 years

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C.) **PUBLIC PORTION** *(cont'd)*

and she questioned if there was anything planned to fix the Pfeiffer Center to make it look descent. That building still looks almost exactly the same as it did 40 years ago, I just wish there was something you could do to improve the facility. **Mayor Teefy** advised that a local group is working together with the high school engineering program to have the students do some spec work. Then both the girl and boy scouts will work together to identify certain things they could work on (*painting, improvements*).

Dominic Burgess - B&B Auto Sales noted as it is late October and the towing applications are due by November 1st, I am assuming nothing changed from last year regarding the ordinance. **Solicitor Fiore** advised that was his understanding. He added the towing committee will be meeting tomorrow night before they meet with the group of towers once again. Mr. Burgess noted that after his suspension from the towing list (*which was around February or so*) he was inquiring as to what date he is to go back on the towing list. **Solicitor Fiore** advised Mr. Burgess to contact his attorney on this and have him contact Mr. Fiore.

Cncl. Miller made a motion to close the Public Portion. The motion was seconded by **Cncl. Heffner** and unanimously approved by all members of Council.

D.) **NEW BUSINESS**

Solicitor Charles Fiore reported there was a meeting arranged on Tuesday between the representatives from both the bonding company and ARH with regard to the Amberleigh development. He added representatives from the bonding company are going to review all the documentation and get back to Kathryn Cornforth, ARH on the final review punch list along with a time frame. What precipitated this was a motion was filed to reinstate the action that was scheduled for court on Friday. The judge granted our ability to liquidate the entire bond but that doesn't necessarily get the project completely finished. Mr. Fiore advised council members to be mindful of the fact when the project is finished it is only going to deal with performance guaranty type items such as landscaping, drainage issues, and most importantly the issue with the basin. Hopefully we can get this cleaned up and finalized. Due to the fact the judge signed the order allowing the liquidation of the bond it will give the bonding company incentive to resolve issues to get off the bond. The second item deals with Rush Fitness and we had filed in court to compel Schultz Enterprises to comply with the approval of the Planning Board. The judge signed the order to show cause, requiring Schultz Enterprises to appear before the court to show cause why they have not complied with the project. Mr. Fiore received a call from their attorney on Tuesday indicating he had just been retained, they wanted to move forward and indicated there were a couple of factors involved one being that his client had procrastinated as well as the state of the economy. They were given a two week extension to come up with a time frame within which they are going to comply, it would include putting in the island, lighting issues and there was also a façade issue as well as signing the developer's agreement.

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Cncl. Dilks questioned the mayor on the status of the sidewalk fund. He noted that while walking the parade route he noticed it was very dark down along Main Street (*past St. Mary's*) and the sidewalk is in very, very bad shape. He requested this be looked into to see if we could fit this in somewhere as many children walk that route to school. Mayor Teefy noted we can, but once that sidewalk is in there it is the responsibility of the homeowner, it would be a matter of us citing the homeowner. **Cncl. Dilks** felt this needs to be done because if you took a walk from St. Mary's down on the south side it is very bad. Mayor Teefy noted he would definitely look into this, he was not sure how the fund was set up. Business Administrator, Kevin Heydel advised initially you would have to notify the homeowner if there are any risks involved such as tripping hazards, if cracked or raised then we would have to take a look at the ordinance. **Cncl. Dilks** felt *that if* the homeowner is responsible for the sidewalk then we should have someone cite the people to have them fixed.

E.) OLD BUSINESS

Mayor Teefy spoke with regard to the RT. 322/Fries Mill Road intersection advising that the plans have been submitted to the state. Kathryn Cornforth, ARH reported that the reviewer in charge of the project for NJDOT has about 60% of the comments back and is expecting the traffic comments which could put it approximately 75% complete, this information should be received within the next 3 weeks. Once those comments are received he would then send comments back to the design engineer.

Solicitor Charles Fiore spoke on COAH/Affordable Housing and how a Supreme Court case back in March threw the affordable housing obligation back to the municipalities based on a whole array of numbers that have been floating around. Originally, Monroe came back at zero for the affordable housing obligation for Round 3. Then there was a report from Fair Share Housing that indicated we were about 956 in the hole, or somewhere in that area. He continued and advised the League of Municipalities had hired an expert from Rutgers to come up with a plan, in the midst of him coming up with a plan the gentleman suffered a stroke so those numbers were not completed. All the municipalities are now kind of rallying together to come up with another group that will come up with a plan and Monroe is now joining in with that group. Mr. Fiore advised he was not sure what the cost would be to come up with a number for Monroe. He noted we must file our plan with the court by December 8th and Mr. Kernan is working on this through the Planning Board. Mr. Fiore has a conference with the judge on Friday morning to report on the status of Monroe. Mr. Fiore noted one of the unusual things about Monroe is the number first came back at zero because we were considered an Urban Aid Community and there are all kinds of factors that are involved, the largest one being the density of the population. If you were to take the 1/3 of Monroe that is outside the Pinelands we would comply but the other 2/3 that is sparsely populated kind of waters down that number so we are not considered an Urban Aid Community for the purposes of the affordable housing requirements. Mr. Fiore noted he will keep council apprised on this as the deadline approaches. He further explained that some counties have consolidated all their municipalities into one particular hearing, Gloucester County has not chosen to do that, yet, there are 21 different hearings that will be set up with the same experts testifying in all 21 different hearings. At some point in time there is

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E.) OLD BUSINESS (cont'd)

probably going to be an order that will be signed hopefully consolidating it into vicinages, having maybe Cumberland, Gloucester & Salem combined into one, that way there would be one hearing for the municipalities within a vicinage. Mr. Fiore noted he was hoping that someone would file an injunction to, at least, slow down the process. Mr. Fiore advised that the League of Municipalities is an advisory group they do not have the power to do anything. They can file a brief as a friend of the court and their plans (*according to their website*) are that they are not going to file any sort of injunctive relief at this point in time. **Cncl. Bryson** then questioned the solicitor on what gives the Council on Affordable Housing extra power, they are really only an advisory group to the legislature, actually. What gives them the power to force this issue on December 8th? The solicitor advised that the Council on Affordable Housing has been abolished as a result of the Supreme Court action. Initially, they were empowered by the legislature and the governor to formulate and to regulate and to administer an affordable housing plan and what happened was essentially the gist of that decision was because it had been prolonged since 2003/2004 there was direction from the court to the legislature to come up with a viable affordable housing plan. Finally, the courts were fed up and said look we are done with you. But then what they did is thrust it back to the municipalities to come up with a plan and the unfortunate part of this, the irony of it all is, you are trying to come up with affordable housing and it is compelling municipalities to spend thousands even millions of dollars on coming up with paper plans that probably will never ever work. Discussion continued on this.

Cncl. Heffner questioned where we were with regard to the old library structure, are we getting an environmental study done? **Mayor Teefy** advised that yes it came in today. Mr. Heydel noted the total cost is \$12,500.00, \$7,000.00 to TTI Environmental for a comprehensive assessment, \$3,000.00 to put the bid package together and \$2,500.00 for a preliminary assessment. Kathryn Cornforth, ARH noted the preliminary assessment is needed to do the history on the property to make sure there is nothing potentially buried anywhere. Mr. Heydel noted we can do this award at the November 9th council meeting.

F.) COMMITTEE REPORTS - None

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Cncl. Bryson questioned Resolution R:168-2015 *Resolution Of The Township Council Of The Township Of Monroe, County Of Gloucester, State Of New Jersey Amending The Rules And Regulations For The Monroe Township Police Department And Authorizing The Director Of Public Safety To Execute Said Amendments*. The solicitor advised this is nothing major, just cleaning up language and actually from a procedural standpoint, the township council does not approve the changes they just authorize the Director of Public Safety to implement and sign the amendment.

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H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Cncl. Bryson questioned Ordinance O:36-2015 *An Ordinance To Further Amend The Code Of The Township Of Monroe Establishing Rates Of Compensation To Officers And Employees Of The Township Of Monroe (Code Enforcement Officer - Trainee)*. He noted once the training time was completed, that person would probably move into another position (*Director/Zoning*) and he questioned administration on the rate of pay to be associated with that position. Mayor Teefy advised that would be discussed further at the next ordinance committee meeting as the rate has yet to be determined.

At this time, Engineer Chris Rehmann requested to speak and advised that the Green Acres Application submitted for a dog park was approved in the amount of \$780,000.00, however this is not only for a dog park it also includes the whole Genova area to include walking paths and a passive park setting. He also advised of NJDOT applications being submitted on October 19th for the Corkery Lane Improvements, Monroe Bike Path Extension, Phase II and Safe Streets to Transit. Mr. Rehmann advised that Senator Madden is still on the Senate Transportation Committee, Senator Sweeney has some sway in the state so he urged council members to take a moment and urge them to consider Monroe Township proposals.

Cncl. Pres., Caligiuri requested a consensus from council members to bracket Resolutions R:162-2015 thru R:171-2015 with the exception of R:169-2015 which requires a 2/3 vote. All were in favor.

I.) ADJOURNMENT

Cncl. Miller made a motion to adjourn the Council Work Session of October 26, 2015. The motion was seconded by **Cncl. Dilks** and was unanimously approved by all members of Council.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk


Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of October 26, 2015 and serves only as a synopsis of the proceedings. Portions of the official tape may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted Am Date 11/9/15
Approved as corrected _____ Date _____