

**MINUTES
WORK SESSION
TOWNSHIP OF MONROE
JANUARY 9, 2017**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Bart McIlvaine** at approximately **7:03 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. Marino** led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Bob Heffner	Present	
Cncl. Joe Marino	Present	
Cncl. Cody Miller	Present	
Cncl. Pres., Bart McIlvaine	Present	
Mayor, Daniel Teefy	Present	
Business Admin., Kevin Heydel	Present	(Arrived 7:15PM)
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann, ARH	Present	
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:40PM)
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Mike Calvello	Present	(Arrived 7:15PM)
Dir. of Community Dev., Rosemary Flaherty	Present	
Deputy Mayor, Andy Potopchuk	Present	(Arrived 7:15PM)
Deputy Chief of Police, Stephen Farrell	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

• **Possible Fire House Expansion**

Cncl. Miller spoke of previous discussions regarding the construction of the fire house and the possibility of acquiring the property next to it which would substantially reduce construction cost as a second floor and elevator would not be needed. That property would also provide additional parking in the municipal parking lot, which during court days is slim to none. The property is owned by Fannie Mae and the asking price is \$122,000.00. After discussing this with the Mayor Cncl. Miller felt the price was high so he suggested offering \$90,000.00. He felt the \$120,000.00 previously put in the Capital Budget to purchase

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B.) MATTERS FOR DISCUSSION

the old lumber yard could be used and questioned if everyone would be in favor of the Mayor sending that offer to purchase the Main Street parcel. **Cncl. Pres., McIlvaine** noted he was reminded by Cncl. Heffner that last year or the year before \$150,000.00 was put in the budget for additions to the Williamstown Fire Company and that money was never spent. He questioned if that money could be used to purchase the property. **Solicitor Fiore** was not sure if that budget line item could be modified to use the money for land acquisition and expansion and he recommended the BA look into that. Cncl. Pres., McIlvaine polled Council and all were in favor of submitting an offer for that parcel. Mr. Fiore cautioned that Council must be mindful that Fannie Mae acquired it from what is called a "*Deed in Lieu of Foreclosure*". Fannie Mae contacted the mortgagor that foreclosure would be started because they were in arrearage and then the borrower contacted the bank to say they would execute a deed in lieu of foreclosure. Mr. Fiore explained when a bank obtains a property through foreclosure all creditors are named not only the name of the borrower in the complaint but also all other lien holders, as there could be outstanding medical bills, car loan etc. that has judgements against the property and they are wiped out through the foreclosure judgement. A deed in lieu of foreclosure does not accomplish that and sometimes the bank will take the property back subject to whatever liens are on the property so we need to look at that and as part of acquiring the property we would need to do a title search to determine whether there are any liens on it. **Dan Kozak** cautioned that there are still people living in that property so it would be contingent upon them vacating the property. **Cncl. Dilks** questioned whether we could get a report on what the liens are before we make an offer. Mr. Fiore advised we can make an offer contingent upon them delivering a clear title, which means there are no liens other than the original mortgage that was on the property so we would not be bound to the offer. Mr. Fiore added he was surprised to find the assessment on that property was well over \$200,000.00. **Mayor Teefy** appreciated Council's support on this and commented that the Fire Building Committee had suggested purchasing that building in order to make the improvements to the fire house cheaper. He added hopefully this will be a win, win for all as it will keep costs down, provide better facilities and allow us to bond to get both Williamstown Fire Station and the Cecil Fire Station done at the same time.

C.) PUBLIC PORTION

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

Joe Fisona, 19 Gibson Lane was in attendance regarding the timing adjustment of the traffic light at the Black Horse Pike and Route 689. Mr. Fisona spoke of attending the September 12, 2016 council meeting to discuss it and of Resolution R:183-2016 (*authorizing an investigation into the timing of the traffic signal*) being adopted however after four months nothing has been done. He questioned whether there were any updates on what is happening. **Cncl. Pres., McIlvaine** noted that matter was turned over to Sgt. Burton of the Police Traffic Department. **Mayor Teefy** stated he would get an update from Sgt. Burton. Mr. Fisona noted he spoke to Joseph Atterras the Supervising Engineer of Traffic who advised he received the resolution and recently ordered the traffic count and an accident report on the

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C.) PUBLIC PORTION (cont'd)

subject intersection. Once those reports are received the intersection will be evaluated and a recommendation for a solution will be implemented to resolve the problem. Mr. Fisona questioned whether the township had a policy in place to get back to residents that have filed complaints. He spoke of being the Mayor of a small town in Maryland and of how he could pick up the phone and call someone to address resident complaints immediately. Here he did not hear from anyone to let him know what was happening so he took it upon himself to find out. Cncl. Pres., McIlvaine commented on how difficult it is to get things done in the State of New Jersey; adding once an issue is passed on to Sgt. Burton he knew it would be taken care of but he didn't know that Sgt. Burton would not respond back to Mr. Fisona. Cncl. Pres., McIlvaine noted the township has no policy in place to update residents that he was aware of.

Domenic Burgess, B & B Auto Repair referred to the amendment to the Towing Ordinance regarding cars impounded and questioned whether vehicles that people take their personal items from and then never come back would fall under that. He explained he has releases and customers never come back for their cars but he never gets the police involved in that. Mr. Fiore explained the Township would still have to do the search under motor vehicles to make sure the car is not stolen and this amendment will allow the Mayor to sign those documents. Mr. Burgess stated he has two of those vehicles and he has never heard from the owners. Mr. Fiore recommended Mr. Burgess to contact Sgt. Burton who will be handling them. Mr. Burgess also referred to the towing applications and questioned when the applications are submitted are they going to be treated as a bid or opened to public records until it is awarded. Mr. Fiore noted once it is filed with the municipality it is an open record, it is not confidential. Mr. Burgess spoke of going to the Zoning Office twice to find out what they are looking for. He explained if he needs to go through Pinelands it is getting short on time since applications will be submitted in only five months but the Zoning Office could not answer his question because they said they were waiting for an answer from here. He noted he has had his facility for forty years and does not know what he needs. Mr. Fiore gave Mr. Burgess a general answer saying for him to conform with the ordinance as far as the size of the yard. Mr. Burgess noted he wanted to be sure what he needs because he doesn't want to submit the application and then hear at the last minute that he is off the towing list. Mr. Fiore explained Mr. Burgess already went to Zoning and received a zoning permit, went through the approval process and has not added anything new to the property since that time so he would assume that his property was approved. Mr. Burgess questioned whether his property needs to be inspected. Mr. Fiore explained Mr. Burgess will just need to sign off that he is in compliance with zoning. He added in the later part of the ordinance we have May 1st but in the original ordinance we talked about a March 1st submission date. He noted he changed the ordinance to make the two dates consistent to May 1st. **Township Clerk, Susan McCormick** questioned whether the March 1st date was the public notice deadline. Mr. Fiore stated the public notice for the newspaper is March 1st but the application is to be submitted May 1st.

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

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D.) NEW BUSINESS

Solicitor Fiore noted he prepared a resolution for the Mayor to execute the paperwork for the junk/abandoned vehicle titles and he requested that be added to the Regular Council Meeting agenda because it is time sensitive. Mr. Fiore also requested Resolution R:32-2017 scheduled on the agenda for the assignment of a tax lien be removed. According to State Statute we are required to advertise that in the newspaper and the individual was to submit his request in writing to the township clerk by the time set forth in the publication and he did not do that so we cannot take action on that resolution tonight. We would have to re-advertise and go through the entire process again.

Cncl. Garbowski questioned whether there was still money in the sidewalk fund, as Forest Hills residents asked him if sidewalks could be installed at the retention basin on Buttonwood. Mayor Teefy replied yes and Council commented that sidewalks have been prioritized. Mayor Teefy commented that Sicklerville Road will be done. **Director of Public Works, Mike Calvello** added Sicklerville Road ran into a snag because of state highway permits and approvals close to the end of the year. He spoke of the County looking for a new concrete contractor that we will deal with for that project and the area along Winslow Road near Bryn Mawr Drive. The **Business Administrator** noted that account balance will be approximately \$70,000.00 once those two areas are done. Cncl. Garbowski noted there is a bus stop on the corner of Holly Avenue and Buttonwood and the kids are standing in the street so there is a safety issue. Another issue is the trees around that basin are overgrown and that forces the kids to walk around them so if they could be trimmed it might help.

The Clerk noted if Resolution R:32-2017 is being removed from the formal agenda the resolution the solicitor is walking on authorizing the Mayor to execute the report of possession of abandoned vehicles will replace it.

E.) OLD BUSINESS

Cncl. Garbowski questioned if there were any updates about the closeout of the Walmart project and the Concord Drive speed tables that he thought was part of the Board approval for that project. **Solicitor Fiore** explained the language in the resolution of approval punts it back to the council to approve it so council will need to review it and approve it. It was not 100% underlined that it had to happen it was based upon the review of Council. From a police department and engineer viewpoint there may be an issue about spacing so Council will need to look at it objectively and get a report from the Police Department and engineer's office to see if there is something that would be viable. **Mayor Teefy** noted he received a report from Officer Burton who did a traffic study of the area. The study showed 56% of vehicles went 25 miles an hour or slower, 42% went 26 to 35 miles an hour and 2% 36 to 45 miles an hour so there is no speeding problem there. The average number of vehicles that travel that road per day is 275, 307 during the weekday and 213 on the weekends. There are 26 homes on the street and most have two vehicles so most of the traffic is the residents going through. Sgt. Burton's conclusion was Concord Drive is a municipal roadway that measures 3.5 miles in distance with the high speed documented at two vehicles at 45 miles per hour. These statistics show the majority of traffic traveled at 25 miles per hour or below

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E.) OLD BUSINESS (cont'd)

and the vehicles driving excessive speeds are very small with little average daily traffic volume compared to other residential streets being evaluated. The Mayor noted Sgt. Burton feels the street really does not warrant speed control so now it is a matter of what we do with the money given to us that is sitting in a trust fund. **Cncl. Garbowski** explained there was also money for sidewalks and they were done by the township. **Mr. Heydel** added they gave us \$9,000.00 to do whatever we wanted and he suggested putting it into the Road Program. Mayor Teefy noted he would send a letter to advise the residents that the street does not warrant speed humps. **Cncl. Heffner** questioned does the agreement for the \$9,000.00 say do with it as you please or did that money need to be earmarked for this project. **Mr. Fiore** advised it was for sidewalks and speed humps/traffic control devices so maybe the money could be used for additional signage as a traffic control device. He felt the developer would not have a problem with the township using the money for that.

Mayor Teefy questioned the status of Geets. **Mr. Fiore** advised the bankruptcy court hearing is scheduled for tomorrow (*January 10th*). There was a purchaser that entered into a contract through the bankruptcy court and when the bankruptcy trustee applied to have that approved through the bankruptcy court judge another individual bid \$50,000.00 over and above the original bid that was accepted. This will now go before the bankruptcy court and in speaking with the bankruptcy trustee the attorney didn't seem to indicate that the bankruptcy court would approve the higher purchase price and block the original purchaser. The new purchaser is involved with Irv Cyzner Real Estate and they handle a lot of businesses like Chick-fil-A and Seven Seas Diner in North Jersey. The original purchaser could come in with a higher number. Indications are that it will be some sort of diner. The Clerk noted the original purchaser also submitted a Person to Person Transfer for the Liquor License. **Cncl. Pres, McIlvaine** questioned whether the township would have any input on this. **Mr. Fiore** advised the township has no input as far as who the purchaser is unless it would affect township taxes or liens that are owed. **Mayor Teefy** noted he was asked to get involved but he can't because it is in bankruptcy court. **Mr. Fiore** explained the trustee works by a percentage to the bankruptcy court so the more money this brings the more he makes. **Engineer, Chris Rehmann** noted he has seen other towns such as Evesham Township meet with purchasers to see what they can do to make a successful project.

Mr. Rehmann noted when we do residential inspections of projects approved by the Planning Board we end up with the paving contractor that the developer hires and in one case we had a driveway contractor who did a good job on driveways but when doing the main street of the development with a five ton roller it does not work. He questioned whether the Planning Board attorney or the township solicitor could find out if it would be legal to require any contractor who paves for a township approved sub-division to at least have a certification from NJDOT that they are a qualified asphalt paving contractor. He added he does not want to put people out of work but the township owns that road and we want to get 20/25 years out of it before we have to pave it with taxpayer dollars. **Mr. Fiore** noted he will look into that. He added a few years ago when the township did handicap ramps we had a company call Exotech that was a roofing company that began installing handicap ramps and they went belly up in many municipalities in Gloucester County so it is a good idea to look into that.

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E.) OLD BUSINESS (cont'd)

Mayor Teefy questioned the status of paving Mannington Drive, which the township has been dealing with for at least a year and a half. **Engineer Kathryn Cornforth** explained due to timing issues and the lack of detail on the approved plans there is a lot of ponding on intersections and towards the end of last year they tried to redo many of the intersections that were holding water. Many intersections were fixed and now what is left is a very small punch list plus the repaving Mannington Drive, which they wanted to pave this week but she told them no. The developer is eager to get off their bonds for all nine sections. The bonds were reduced to 30%, which amounts to somewhere in the \$3,000,000.00 range but since Mannington Drive is in all nine sections none of their bonds can be released. They questioned if they post a performance bond for the value of milling and paving Mannington Drive and make all the intersection improvements as well as complete their punch list would Council entertain releasing all nine sections. She noted because all improvements have been installed for a number of years and the performance bond would be on the hook for anything left to be fixed before the development is considered complete. If they went to performance bond they would pave Mannington Drive in the spring and then that bond would go to maintenance. Ms. Cornforth noted she told the developer she would ask Council to make that decision. Mr. Fiore questioned whether the basins were functioning. Ms. Cornforth noted years ago they were remediated and in the beginning of winter they were clear cut so there is no more vegetation in them and they seem to be draining/working. Mr. Fiore questioned what time of the year has the most rain and the most activity in the basins. Ms. Cornforth stated usually the spring and summer but the basins are continually monitored because on rainy days she has been sending people out to check the basins in Willow Woods. Basins should drain within a 72 hour window and they are usually draining with only a little water there within a day or so. Mr. Rehmann added there is a signed letter from the DOT for Fries Mill and Glassboro Road and they are required to show that the proposed basins meet the permeability at the winter wettest months. A couple years ago the Pinelands studied 42 basins in Pineland areas of which 32 failed. It is a technology that is not well understood and it varies from location to location. **Cncl. Dilks** questioned whether the basins in that development are retention or detention basins. Mr. Rehmann noted they are detention basins. Cncl. Dilks questioned whether they had K-5 sand put in the low areas to drain. Ms. Cornforth explained there are two large basins and two smaller ones. The two big ones as you come in the development were both remediated. The one off Mannington Drive by the bridge did have K-5 sand put in throughout the entire basin and since that was done the basin seems to be working. Mayor Teefy reported the township and the developer has come to an understanding regarding Mannington Drive. The bond give back will help us move forward in the spring or we will have a fight and ten years down the road Mannington will not be functioning well. Solicitor Fiore questioned was there any recommendation as to the number they were going to put up for the Performance Bond for Mannington Drive. Ms. Cornforth noted she did an estimate and based off of the milling and repaving of Mannington Drive and all the improvements full value is roughly \$276,000.00. It would be up to Council to entertain this and request that they put up the full value with 120% or if you are willing to entertain a reduced value because some of the improvements are installed. All the intersection improvements with the exception of one manhole grate is installed. She felt that if Council takes them from \$3,000,000.00 to \$276,000.00 it will be a win in their book. Mr. Rehmann noted they would be happy if they got \$200,000.00 to

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E.) OLD BUSINESS (cont'd)

\$300,000.00 and if this is the number the question is will it be done within a certain time period because who knows what oil prices will be which generates the cost of asphalt. The road is horrible to ride on and there is three inches of base and two inches of top on it. Kathryn is being difficult on this because that is what the township pays her to do to get the best for our taxpayers. Solicitor Fiore suggested looking at this over the next 45 days since the road will not be paved until spring. Ms. Cornforth noted they are not asking for this to happen tonight they are asking if Council will entertain it and then they will put in a formal request and then we can prepare the estimate. **Cncl. Marino** questioned whether it would be the same contractor doing the paving moving forward. Ms. Cornforth replied technically yes but the contractor subbed it to Jersey Construction who has now been doing all the work and they have been informed that if they do not show up the day we go for Mannington Drive that we will call the developer and tell them to leave. She added she spoke to them and they do not want to do this a third time. Cncl. Dilks explained how roads are constructed and the high tech equipment used in that process. Ms. Cornforth noted she was told if they could get their bonds released there will be no questions asked and they will absolutely wait till spring otherwise because of the amount of bonds they have out there they will be looking for a window. We told them if you pave in a window you pave at your own risk and that could mean it is the same situation. Technically we can tell them no but because it is not a township road yet they do not have to listen to us in terms of when they do the work. Cncl. Dilks explained the issue is the ground will be so cold when the asphalt is put down it gets cold quick so you have to be Johnny on the spot with it. **Cncl. Heffner** felt the \$9,000,000.00 in bonds we have in place is an incentive for them to come back and pave the road the right way so he had no problem keeping those bonds in place until they do it the right way. **Cncl. Pres., McIlvaine** questioned the Mayor regarding his comments that if we reduce the bonds it will not turn into a fight but if we play hardnose the chances are we will have an issue trying to get the job done correctly. Mayor Teeffy noted that is correct and that is where we have been for the last year and a half. Solicitor Fiore noted Ms. Cornforth just wants authorization to go back to the developer to say Council will entertain it. Cncl. Pres., McIlvaine polled Council and all were in favor of entertaining the developer's request for a bond reduction if a proposal is submitted. Solicitor Fiore posed a question to Mr. Rehmann in regards to whether the township can require construction detail to be included in the plans. Mr. Rehmann noted when he is the reviewing engineer for a Planning Board he is tough on an applicant and does require that because if they don't detail he will not give a letter of compliance or sign the plans. He added you have to be hardnose on certain things even though they may not impact the township. In this case you have a large development. They put profiles together that met the ordinance requirements but not the detailing of the intersection and how the grades work so the handicap ramps do not have puddles around them. Mr. Fiore questioned can we request the Planning Board to look into requiring that detail. Ms. Cornforth commented or they could even ask for a detailed plan on how the intersection will be graded to ensure the gutter line flows. Mr. Rehmann commented that if drainage is not done correctly residents will question the engineers on why they are not making the developers do certain things. Cncl. Pres., McIlvaine questioned the Director of Public Works on whether he was okay with this since he will be the one handling Mannington Drive for the next twenty years. **Mr. Calvello** noted he has been out there with ARH during all the improvements that were done and he is okay with what was said. Mr. Rehmann

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E.) OLD BUSINESS (cont'd)

added he tries to keep Mr. Calvello involved in all the decisions since he is the one who deals with it. **Cncl. Heffner** requested Mr. Fiore to review the ordinance that deals with these issues.

Mayor Teefy reported a letter was received today regarding Rt. 322 and Fries Mill Road so we are closer. We have a meeting scheduled with Senator Madden and Assemblyman Moriarty and a representative from the DOT to review this project to ensure we have all the ducks in a row since the utility moves are not cheap. After this meeting we will meet with the four property owners.

F.) COMMITTEE REPORTS

Cncl. Miller referred to R:36-2017 dealing with the execution of a tax abatement for AFC Urgent Care of Williamstown and reported the Law and Tax Abatement Committee met to discuss this request. Everything seems to be in order so this will give them tax abatement on the building improvements, with the assessed value about \$47,000.00. This would be a five year abatement. During the first year they would pay the regular value of what they pay in taxes plus 20% of what the taxes are for the \$47,000.00. This increases up to the fifth year when they will be at 100%. He noted while reviewing this we noticed our ordinance regarding tax abatement is too fluid so we will be presenting some recommendations to the Ordinance Committee to try to sure things up. The biggest concern is does a temporary CO allow them to be eligible for tax abatement and the ordinance is not clear on what constitutes a completed structure in terms of the building. **Cncl. Miller** noted he wanted to update Council on how we want to refine our processes. The Director of Community Development will now make sure applicants have all the necessary paperwork in order before the construction process is started. **Cncl. Marino** noted their current property taxes are \$16,000.00 and he questioned whether we had the new assessment yet. Solicitor Fiore noted the assessment went from \$475,000.00 to \$519,000.00 with the improvements. **Cncl. Marino** questioned whether they were open to enclosing their trash. **Mrs. Flaherty** replied yes they were.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 1/9/2017

Cncl. Marino referred to Resolution R:33-2017 and questioned the numbers associated with the change order for Winslow Road. **Ms. Cornforth** explained a change order was authorized to add money to the job for sidewalks. The contractor cleared the area and installed the curb for the roadway widening but his sidewalk price was too expensive. Mr. Calvello can get sidewalks installed cheaper through the County co-op so the money added exceeded the original contract but since it was not all spent at the end there was a decrease to the revised contract.

Cncl. Pres., McIlvaine questioned Mr. Fiore on whether the resolutions listed on the Regular Council Meeting agenda could be bracketed and voted upon by consent agenda. Mr. Fiore replied no, not generally on contracts. He added you could bracket but Council would need to do a roll call vote on all of them so there is really no sense in doing that.

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H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 1/9/2017 - None

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Miller** made a motion to adjourn the Council Work Session of January 9, 2017. The motion was seconded by **Cncl. Garbowski** and was unanimously approved by all members of Council in attendance.

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 January 9, 2017 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 _____ *SmJ* _____
Approved as corrected _____

Date 1/23/17
Date _____