

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
MAY 8, 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 7:00 PM in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

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

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

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. Bob Heffner	Present	
Cncl. Joe Marino	Present	
Cncl. Cody Miller	Present	
Cncl. Pres., Bart McIlvaine	Present	
Mayor, Daniel P. Teefy	Present	
Business Admin., Kevin Heydel	Present	(Arrived 7:10PM)
Solicitor, Charles Fiore	Present	
Eng., Kathryn Cornforth, ARH	Present	
Dir. of Finance, Karyn Paccione		Excused
Dir. of Public Safety, Jim Smart	Present	
Dir. of Public Works, Mike Calvello		Excused
Dir. of Comm Dev/Code Enf, Rosemary Flaherty	Present	
Deputy Mayor, Andy Potopchuk	Present	
Chief of Police, John McKeown	Present	
Twp Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

Cncl. Pres., McIlvaine indicated that the Resolution scheduled under Matters for Discussion was requested by Mr. Heydel, as he will be in attendance shortly he requested to delay that discussion until Mr. Heydel arrives.

C.) PUBLIC PORTION

Cncl. Miller made a motion to open the Public Portion. The motion was seconded by **Cncl. Marino** and unanimously approved by all members of Council in attendance. With no one wishing to come forward **Cncl. DiLucia** made a motion to

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C.) PUBLIC PORTION (cont'd)

close the public portion. The motion was seconded by **Cncl. Miller** and unanimously approved by the members of Council present.

D.) NEW BUSINESS

Cncl. DiLucia referred to a matter that was sensitive in nature and asked to bring it forward under New Business. He explained that as liaison to the MMUA he attended a meeting where one of the board members did something of a bizarre nature. He noted there is a record of this meeting and if anyone liked they could request a copy/transcript of the proceedings. There was a challenge dealing with the board and that basically there were phony numbers put into the budget. Other board members had compared the budgets, found there were different numbers at which time this particular board member acted quite bizarre. The individual then noted he wanted to turn over his spot to Mr. Bender who is the Alternate, at which time he was encouraged to calm down. **Cncl. DiLucia** went on to note the individual went on to explain that due to many factors age, medication, coupled with problems he is doing things that are not right and he was not up to his game and he felt he could not serve. **Cncl. DiLucia** noted at that point he felt there may be a voluntary resignation however up to this point there has been no letter of resignation submitted. He added that he felt very bad for the individual but he really lost it and he knew he did, he admitted he did and he left at that point. **Cncl. DiLucia** wanted to report this as he realizes this it out there, so if anyone inquires that is the situation. **Cncl. Pres., McIlvaine** noted he had heard the same and assumed we were going to receive a resignation letter but when it did not come no one had any more information. **Cncl. DiLucia** then noted that the individual's Financial Disclosure Statement was submitted so that does not indicate he will be resigning now. **Cncl. DiLucia** then advised the individual was working off of last year's budget and the worst part about it was that he sat with someone else who is also on the board and they never recognized it. They were under the impression that he did have different numbers in his budget. He went on to explain further what transpired. **Cncl. DiLucia** advised he will report back on the status of the resignation, if one was received or not and what the board members would like to do. He stressed he really felt badly for the individual and one of the reasons he did not bring this forward earlier was because he did not want his name out there and people saying bad things. He felt he if wanted to resign it would be done quietly and no one would know, he would be thanked for his time served but it is beyond that now. **Cncl. Pres., McIlvaine** asked that **Cncl. DiLucia** check into the situation and let us know what their plan is, if anything. We will try to assist them in any way we can. **Cncl. DiLucia** noted that as of this date (May 8th) there had been no resignation.

Business Administrator, Kevin Heydel then spoke on the resolution originally slated under Matters for Discussion. *Resolution Of The Township Council Of The Township Of Monroe Awarding A Contract For Professional Services To The Municipal Engineer For Final Design/Public Bid And Construction Administration/Inspection Services For The Resurfacing Of The Owens Park Tennis Court Within The Township Of Monroe.*

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D.) NEW BUSINESS *(cont'd)*

He explained that when we submitted the capital for Parks & Rec for the tennis courts, the \$54,000 figure was just for the construction. We did not factor in any costs for engineering. He advised he received a proposal from ARH in the amount \$19,500 which is scheduled for approval at the regular council meeting. In order to pay for that he needed to take money from the Developers Fund which has a balance of \$200,000, in taking out approximately \$24,000 it will bring that balance to \$175,000. Mr. Heydel explained he did not need that money tonight as I can use the money in capital to get the contract started with ARH, then I can fund the construction with the balance that is left from the capital and also with the money we take from the Developers Fund. There would be a need for a spending ordinance and he spoke with Cncl. Heffner to inquire if this should go before the ordinance committee or can 1st reading take place at the next council meeting (*May 22nd*). The consensus of council was to move forward with 1st reading at the May 22nd council meeting. There was a question posed on the 2nd reading date as there is only one council meeting scheduled for the month of June (*June 26th*). It was suggested that 2nd reading could take place at a Special Meeting held prior to the scheduled Ordinance Committee Meeting on June 8th.

Cncl. Garbowski noted he would like get an update/report on the recreational lots, like those located in Newbury Farms and Forest Hills as they are in bad condition and repairs are needed. A concern of his was that kids are playing at these facilities and someone may get hurt, which could put the township in a position to possibly get sued. **Cncl. Garbowski** stressed we need to do something to improve these facilities or remove them altogether as they are in very bad shape. **Cncl. Pres., McIlvaine** noted he was under the impression we were doing away with these tot lots. **Mayor Teefy** noted they are part of the deeded lots, they are put in there as part of the development. We haven't done a great job as far as maintaining them we just don't have enough staff or a budget to do so. A question was posed to the Solicitor if it was possible to do away with the tot lots. **Solicitor Fiore** indicated you can't get rid of them, they still will always be township property. He thought years ago when there was a movement afoot to go from these development/individual parks to centralized parks they were effectively abandoned with respect to new equipment being installed. The former Mayor kind of reactivated doing these local parks and they were maintained for a while but as staffing and funding became short we then, for the most part, abandoned them. Mr. Fiore advised if the township wished to re-tool them and install equipment you must be mindful of the fact that the JIF has very strict criteria. You have to regularly maintain them, you have to ensure the equipment is operating properly and it then becomes a perpetual maintenance issue. He noted it is okay to leave them as Open Space as you can't ever remove them from the Open Space Inventory. If the equipment is in disrepair he suggested, from a liability standpoint, to remove all of it. Once that equipment is installed you have the affirmative obligation to maintain it and come up with a maintenance plan and a Risk Management plan where you are constantly going in checking and monitoring the facilities. **Cncl. Marino** questioned if there was any way to ask each neighborhood if they would like to form an association to maintain these lots before we go and take these out can we at least see if there is an option there.

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D.) NEW BUSINESS (cont'd)

Or because it is township ground, it is township ground, questioning if that is how it works. The solicitor indicated, it is and again you will have the problem with consistency, whatever is decided it has to be all or nothing. If we remove the equipment, we have to remove all the equipment. If the equipment is left there then we have to come up with a maintenance plan and safety plan in conjunction with JIF on a regular basis.

Cncl. DiLucia then noted it is always going to come down to a question of economics, how much to fix it and the cost to maintain them. He advised that he would like to see them stay, he felt it was important to have those things there because younger kids can stay in the neighborhood or grandparents can use them to walk in the neighborhoods. He was thinking that possibly we could get some of the major businesses in town to sponsor them. We should, at least, approach them to see if they may be interested. **Cncl. DiLucia** went on to say he would personally like to see them stay and he was aware it will take some commitment to do it but he felt we should do it. **Cncl. Pres., McIlvaine** questioned where we were with respect to the developer's fund, can we use any of those funds for something like this. **Cncl. Heffner** advised after tonight the balance of the fund is \$175,000 but before you do anything first you have to identify the lots as you can't slight any of them therefore you need to do an inventory. Then JIF will have to be contacted to see exactly what they mandate because most of the existing equipment is out of code. Then someone will have to come up with a price/cost to determine how much it will cost to do this type of thing. Adding, this will not be a \$5,000 project. **Cncl. Pres., McIlvaine** noted we saw how much the costs associated with the Sunshine Rotary project at Duffy Park were at approximately \$80,000 even more for a small amount of equipment. He felt this would be a very expensive ordeal but we can't really know until we get the figures. **Cncl. Garbowski** noted most of the equipment is basic such as: basketball courts, sliding board, swings, etc. he didn't think we were talking about a massive amount of money. Or perhaps we could do passive recreation in these areas walking paths or something of that nature. We need to put these to use otherwise they are wasting away to nothing.

John Luby, Former Mayor advised that through a period from 1995-1998 the tot lots were in disarray and we went around and repaired all of them. After repairs were made we went to Forest Hills and the idea of civic associations sounds nice but it just doesn't work. In any case we took over Forest Hills and we also took over Cecil as they had a problem. Mr. Luby felt it was important to remember that Owens Park is beautiful and you have Church Street and Mary Mazza Duffy Park, this township is 48 sq miles and there are people who live on the other side of the Pike. I live near the lot in Forest Hills and I see people going down there and coming back all the time. You don't necessarily have to put a lot of stuff in those lots. There is a development down in the area of Blue Bell Road where there is a walking trail, to install those the cost would be nil and they are used continuously and there are stations installed along the path. He felt it was unfair to expect residents if they want to take their kid down to go on a swing to drive six (6) miles in order to make use of our parks. He then added

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D.) NEW BUSINESS (cont'd)

what we did (*his administration*) was to get Commerce Bank to sponsor the lots and they put in the equipment for us. There was nothing spectacular, nothing that was particularly expensive just a few things. He then spoke on the merits of installing a walking trail just like the one in the Chestnut Green development. The people in these neighborhoods pay taxes and he went on to note on the 300 homes in Forest Hills, they pay over \$2 million in taxes per year. I think they deserve, at least, an exercise park or trail. He spoke on the condition of the basketball nets and the lots in general. Mr. Luby felt council should reconsider as everything is not a matter of dollars and cents, it is all about making improvements for the neighborhoods, for the people. In conclusion, he noted we did repair all the tot lots and now they are in really bad shape.

Mayor Teefy then noted he would love to see these tot lots continue. However, his concern was if you don't put the maintenance and bodies to do the maintenance behind it we will just be running on the same cycle. Right now, Mr. Bonder could probably give you a good run down on the conditions because he goes around and looks but he does not have the manpower to maintain them, he just doesn't. He has enough to do with the main fields we have. **Cncl. Pres., McIlvaine** noted he, along with **Cncl. Heffner** would like to meet with Mr. Bonder, the Mayor and Deputy Mayor Potopchuk to see if we can come up with something, so that hopefully by the next meeting we may have an answer. **Cncl. Marino** made a recommendation to look at maintenance free materials (*plastic, vinyl composite, etc.*) as there are so many available that were not there before and they can last for 20-30 years. **Solicitor Fiore** advised that any open park must be ADA compliant. **Kathryn Cornforth, ARH** noted if it doesn't exist as ADA compliant and you make any upgrades to the facility at all, you have to bring it into compliance and then gave some examples of how this applies. There was discussion with regard to possible grant money, security issues, equipment and manpower down the road.

Cncl. Heffner noted that recently two decisions were made at the Zoning Board he felt were absolutely absurd. He questioned the solicitor, that as council, how do we go about overturning or appealing any decision of the Zoning Board? **Solicitor Fiore** advised, as strange as it sounds you would have to file a "*Complaint in Lieu of Prerogative Writ*" against the Zoning Board or Planning Board or whatever body made the decision. It must be done within 45 days of memorializing the decision. **Cncl. Heffner** then explained recently the Zoning Board has approved campers at the sky-diving school and the decision makes no sense to him, he did not see how it was beneficial to anyone and felt it would be an absolute nightmare. **Solicitor Fiore** inquired if the resolution had been memorialized. **Zoning Officer, Rosemary Flaherty** advised that it had not, it was scheduled for next week. Mr. Fiore suggested we place this matter on the agenda for discussion at the next closed session. **Cncl. Heffner** noted the second matter was in regard to Corkery Lane explaining we were advised by the solicitor (*at that time*) they could not make a decision on the trucking company as the road could not play into their decision. It was then passed and we now have a trucking company on Corkery Lane. That being said, a condition of approval was that they should come before Council to seek permission to use that road

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D.) NEW BUSINESS (cont'd)

as it has a 4 ton weight limit. To date, that condition has not been met. **Cncl. Heffner** questioned who would send a letter advising them to come before Council or do they need to be shut down. **Solicitor Fiore** advised he actually spoke with the new Counsel that has been retained by the owner of that property. He is supposed to be sending a letter to the Township Council with respect to his position regarding the 4 ton weight limit. Other issues he brought up were selective enforcement and one or two other issues (*constitutional issues*). Mr. Fiore is awaiting his "please be advised" letter and he will forward that to Council so that we can act accordingly. **Cncl. Heffner** noted with that being said the 45 days is pretty much about expired, except the fact that he has not met the condition of approval. Mr. Fiore noted he hasn't met the condition of approval and there are still other issues with Pinelands as they have not signed off on the project because it was pigeon-holed into being an in-home occupation. Pinelands doesn't necessarily see it as an in-home occupation, hauling in tractor trailers with rather large cement sewer pipes. As of right now he is not operating legally. **Chief of Police, John McKeown** advised just recently we put out a notice to our officers that we have re-paved a number of roads that have weight limits for township wide enforcement on streets. **Cncl. Marino** questioned if that company cuts through the cemetery (*BHP & Corkery Lane*). There was some discussion on the location of the cemetery and it possibly falling in the state right-of-way as well as proper signage and a possible violation of Title 39. **Kathryn Cornforth, ARH** advised the existing signs on Corkery are going to be replaced and it would up to township if it something you would like Mike Calvello, Director of Public Works to handle on his own. Because technically to put any of the signs on Malaga the county has always been great to work with, you just have to advise them you will be doing the work. We can work with Mike to get the permission from the county to install the new signage. **Solicitor Fiore** then spoke in reference to the weight limit restriction on Corkery Lane, adding that the attorney for the owner of that property questioned if the township ever received state approval to place a weight limitation on that roadway. Mr. Fiore explained that up until 1989 you did not have to have state approval in order to put a weight limit into place. From 1989 to the present you, in fact, do and ours was put on the books in 1986 so it predates the requirement under Title 39 to get state approval. **Cncl. Pres., McIlvaine** questioned if the county would make a 4 ton weight limit starting at Corkery. Ms. Cornforth responded (*not speaking for the county*) that if it does not exist as a weight limit now, they are not going to change it unless you can actually meet the criteria and went on to give some examples. Discussion continued on the weight limit restrictions on particular roads (*Corkery, Blue Bell, etc.*).

Mayor Teefy announced that Jeanette Remsen has stepped down as a member on the Parks & Rec Commission and he requested to be added to the regular council meeting agenda so that he could make an appointment to the Parks & Rec Commission.

Director of Public Safety, Jim Smart added when they re-paved Corkery Lane the manholes are kind of a little different than the road, as there is a pretty good

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D.) NEW BUSINESS *(cont'd)*

bump on one or two manholes. Ms. Cornforth advised they are still under contract and that the manholes would be inspected. He also mentioned problems with the road in front of the bridge on Malaga Road, requesting we do follow-up on that. Mr. Smart also spoke on the condition of the bridge at Andrews Road, adding he felt we are on borrowed time with it. Ms. Cornforth advised there is a discrepancy with who owns the bridge as Gloucester County has documentation that says Camden County owns it and Camden County is claiming they have documentation that says Gloucester County owns it. Mr. Smart then noted that this is slowly deteriorating and something must be done. Ms. Cornforth advised that Mr. Calvello has tried to reach out to both counties to get this issue resolved and ARH has also done the same. It may take a little more (*Solicitor*) to try and get both counties at the table to come to a resolution on the matter.

E.) OLD BUSINESS

Cncl. Garbowski requested an update on the drainage issue in the Amberleigh development (*Sassafras Court*). Mr. Heydel advised that Mr. Calvello was out there last week to take a look at the grading. Mr. Fiore noted he would follow up with Mr. Calvello on this and get back to Cncl. Garbowski so that he can contact the homeowners.

F.) COMMITTEE REPORTS

Cncl. Miller reported on a Redevelopment Committee meeting that took place at 5:00PM and he would like to have Tim Kernan and our redevelopment counsel to be at the next meeting. We are contemplating multiple redevelopment sites, one being Rt. 322 & Tuckahoe Road and Sicklerville Road & Mink Lane. Again, this is just a preliminary investigation, we deem these to be prime areas for development and we think it would be the best option. Basically, what would happen they would present the proposal to where we would have the Block and Lots of redevelopment designation, we would then refer it to the Planning Board and then it would be returned back to Council. He advised we are not talking about plans because we would like to sit down with all of Council because as far as we are concerned Council is the Redevelopment Authority. Once we move pass this redevelopment designation if we were to contemplate everything all of Council would be involved in those discussions about what we want to do. Regarding the Sicklerville & Mink Lane area, there was a lawsuit filed years ago and the court struck down the designation. He advised we would have to amend the original ordinance to remove the redevelopment designation, so we can move forward with the designation of Sicklerville & Mink Lane. He requested Cncl. Heffner to place this matter on the agenda for the Ordinance Committee Meeting. **Cncl. Miller** noted there were a variety of different factors as to why we felt these were important areas for commercial. Not only just that, if you look at the intersections as a whole and how much of a nightmare they are we think the redevelopment designation would allow us the ability to work with the county as these are county roads, as well as to talk about some major changes to the infrastructure in the areas. He then spoke on our COAH obligation and the township is working with

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F.) COMMITTEE REPORTS (cont'd)

Triad and Tim Kernan to do our market to affordable housing program. Basically, there are a few options we are discussing about taking abandoned properties or properties that are in disrepair, banked owned properties and rehabbing them. We have money to do this, to turn these homes into more affordable housing. Information on this will be sent to Council members. Questions were brought up regarding the COAH numbers. **Cncl. Miller** noted we are close to the number. **Solicitor Fiore** explained as part of the Fair Housing litigation the number is kind of a moving target but most importantly we are referring back to the Blaze Mill litigation and noted the developer is giving \$1.5 million to the municipality for rehabilitation of 56 units off-site, we will get prospective credits. **Mayor Teefy** noted this isn't about a number, it is about blighted houses that need to be fixed up. We are fixing up houses making them affordable and whenever the number comes out we will either be ahead of the game or behind the game. We are productively turning dilapidated houses into functional houses that people can live in and it will upgrade the neighborhoods. **Cncl. Marino** noted his priority with regard to the Sicklerville Road & Mink Lane location is the infrastructure, if we are not going to address the road it's not worth doing any of it, we must get the road opened up and widened, this is first and foremost.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Cncl. Heffner posed a question with regard to Ordinance O:24-2017. Mr. Fiore noted there would need to be a small change with the verbiage in Section C to be added "included on one lot". He will announce that addition during first reading of the ordinance.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Garbowski** made a motion to adjourn the Council Work Session of May 8, 2017. The motion was seconded by **Cncl. Miller** and was unanimously approved by all members of Council present.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

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These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of May 8, 2017 and serves as only 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
Approved as corrected _____

Date 5/22/17
Date _____