

**MINUTES
WORK SESSION MEETING
TOWNSHIP OF MONROE
NOVEMBER 13, 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.: 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. Miller** led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
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	
Solicitor, Charles Fiore	Present	
Eng., Kathryn Cornforth, ARH	Present	
Dir. of Finance, Karyn Paccione		Excused
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:10 PM)
Dir. of Public Works, Mike Calvello	Present	
Dir. of Comm. Dev/Code Enf. Rosemary Flaherty	Present	
Dir. of Parks & Rec, Jim Bonder		Excused
Deputy Mayor, Andy Potopchuk	Present	
Chief of Police, John McKeown	Present	
Twp. Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **Forestry Management Plan** – Sandy Keen (Mrs. Keen was not in attendance to make the Forestry Management Presentation)

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. With no one wishing to speak **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

Mayor Teefy reported Construction Official Jim Morrison is having a hip replacement and will be out of work for two months. A resolution is scheduled on the Regular Council Meeting agenda to appoint a temporary acting construction code official but it can be removed from the agenda, as the position will be filled through Civil Service by conflict Construction Code Official Brian Glaze during the time Jim is out. Mr. Morrison has also submitted his retirement papers and will be retiring March 1, 2018 so we will also be looking for a new Construction Code Official. The Mayor noted Brian is a township resident who worked with Mrs. Flaherty in Maple Shade. **Solicitor Fiore** added the resolution is not needed due to the temporary appointment being made through Civil Service.

E.) OLD BUSINESS

Cncl. Pres., McIlvaine noted he would like to make a decision one way or the other regarding the tot lots. **Director of Public Work Mike Calvello** reported getting prices through a national co-op program and the cheapest price for small equipment was \$48,000.00 to \$50,000.00 per tot lot. He explained there are seven tot lots and once the equipment is installed it must be maintained and neither the Parks and Rec Department nor the Public Works Department has staff to maintain them. **Cncl. Dilks** spoke of additional cost for ground preparation prior to the installation of the equipment. Council questioned whether the cost for site work was included in the price Mr. Calvello received. He replied the price includes the base materials and installation but it does not include the actual site prep work. **Cncl. Pres., McIlvaine** questioned if Mr. Calvello knew what it would cost to maintain a tot lot per year. Mr. Calvello didn't know that cost because the tot lots were never maintained by Public Works that was done through the Parks and Rec Department. Buildings and Grounds does cut the grass at some of the tot lots because Mr. Bonder's crew stays at the three township owned parks. **Cncl. Pres., McIlvaine** noted even if the equipment is removed from the tot lots the township is still required to cut the grass so there will still be a burden to maintain those areas. Mr. Calvello advised without equipment on site the areas will be much easier to maintain. He noted the Oak Street playground and some of the other tot lots are becoming a hangout for undesirables and this is putting a burden on the Police Department. **Chief McKeown** agreed, adding the Mink Lane and Forest Hills tot lots are hard to patrol as they sit back off the roadway and the Police Department has been receiving complaints about the Oak Street playground, as it is drawing teenagers and young adults late at night. **Cncl. Marino** questioned if Council decides to remove the tot lots would Public Works be able to rip the remaining equipment out. Mr. Calvello replied they would because there is not much equipment left; mainly just poles. **Cncl. Marino** questioned if there was a way to notify the residents before the tot lots disappear. **Solicitor Fiore** advised there is no formal notice required, it could be done as a courtesy through social media. Mayor Teefy questioned whether the site plans for those developments required the tot lots to be there. Mr. Fiore noted years ago it was part of the original plan and during Mayor Luby's administration the tot lots were rejuvenated. When Owens Park was started the policy across the board was that tot lots would be abandoned and there was no legal challenge to that.

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E.) OLD BUSINESS (cont'd)

The whole idea was to put all the capital into one centralized area from a security and maintenance standpoint so there would be no legal issue in abandoning them at this point in time. **Cncl. DiLucia** questioned whether there was an alternate place for young children to play and if so is it maintained. It was noted there is a playground at Owens Park and at Duffy Park. **Cncl. Pres., McIlvaine** felt at the time the tot lots were installed it was a great idea but now the centralized park facilities are the way to go. He polled Council to get their opinion on eliminating the tot lots altogether and giving Mr. Calvello or Mr. Bonder the authority to begin dismantling what remains of the playground equipment and to have the Mayor's office handle notification by social media. **Cncl. Dilks** questioned whether there were any tot lots in good condition. Mr. Calvello advised the one at Green Meadows and Newbury Farms were in the best condition. He added the tot lot at Owens Park may need to be improved/upgraded in the future so Council may want to consider putting the money into that park. **Cncl. DiLucia** noted before anything is done he would like to know the cost of dismantling the existing equipment. **Cncl. Pres., McIlvaine** asked Mr. Calvello to get the cost for equipment and manpower needed to dismantle the tot lots so Council could review it at the next Council Meeting. **Cncl. Heffner** noted it would take a couple of guys with a backhoe and a dump truck to remove the equipment. Mr. Calvello added once the equipment is gone there could be a cost to fill in and level the sites. **Cncl. Miller** suggested if the equipment at Green Meadows is in decent shape maybe Council should consider placing it in other locations in the township rather than scraping it altogether. Mr. Calvello noted he will go through the tot lots with Mr. Bonder and if there is salvageable equipment it will be stored for future use or for replacement parts. **Cncl. Marino** noted the Friends of Victory Lakes is looking for playground equipment so if the township would not be held liable for it maybe it could be donated to this non-profit organization. Solicitor Fiore advised the equipment could be donated to a non-profit organization as long as they sign a waiver/indemnification agreement with the township, as the equipment may not be according to code and if they put it in it will be at their perils. **Cncl. Garbowski** suggested getting some public opinion before removing the equipment. The Mayor noted to replace the equipment would cost about \$1.00 per month for every household, which is not much but the problem is ten to fifteen years from now the Mayor and Council will be discussing the same issues because the new equipment will not be maintained because we do not have the manpower to do it. **Cncl. Heffner** asked Mr. Heydel to check with the JIF to see if there is a time period that tot lots need to be inspected. Mr. Heydel advised safety checks are supposed to be done once a month. This matter will be discussed again at the next Council Meeting.

Cncl. Pres., McIlvaine noted he asked Council to review the vehicle use policy for emergency services vehicles, which includes both fire companies and the ambulance squad, as the Solicitor advised a resolution must be adopted to amend the policy approved in the employee handbook that was adopted by resolution at the October 9th council meeting. He questioned if everyone agreed the matter would be placed on the next Council Meeting agenda.

Chief McKeown noted he and **Cncl. Marino** were speaking about the fiber directional amplifier survey that was done to improve communications in the basement of

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E.) OLD BUSINESS (cont'd)

Town hall and the Police Department. A quote came in that was half the cost of the previous one but it is still approximately \$39,000.00 so we are looking at other cost reductions that would tie into our existing system. Once we come up with a hard number we need to come up with a funding plan because this is not included in any budget. Whether it goes into next year's capital funding plan or somewhere else it is something that was not previously considered. Cncl. Marino noted this and improvements to the municipal building were discussed and Cncl. Garbowski is looking into new windows for the building. **Cncl. Garbowski** added he will be meeting next week with Cncl. Dilks and Mr. Calvello who knows what needs to be replaced. Cncl. Marino stated he also wanted to go over with Mr. Heydel a budget for the Police Department in regards to juvenile holding.

Mayor Teefy referred to the PEOSHA complaint and reported due diligence was done by going through the municipal building to find any issues with mold or air quality. The report done by Mr. Heydel pointed out the windows sills that have problems and a water leak in the OEM office. The day after the report was done PEOSHA called and said the matter was closed by them but an air quality test done is still going to be done in the building. **Engineer, Kathryn Cornforth** added ARH solicited quotes from four different companies and two submitted quotes to do air quality testing on ten township buildings. The quotes were well under the bid threshold and she wanted to know whether Council wanted to move forward with it. Cncl. Marino questioned whether all ten buildings had to be tested. Mrs. Cornforth explained if Council or the Administration wants to cut some of the buildings that could be done because the quote was per building. Mayor Teefy felt that all the buildings should be done to keep employees safe. He spoke of how the municipal building was professionally cleaned two times during the three years of his administration and noted next year funds will be budgeted to include the Police Department as well.

F.) COMMITTEE REPORTS

Cncl. Miller reported Mr. Petrongolo was in attendance to speak about redevelopment on one of the approved sites located on Berlin-Cross Keys Road. **John Petrongolo** advised the property located off of Berlin-Cross Keys Road, the Black Horse Pike and Processor Avenue was approved last year for 326 apartments. This is the third phase of the development but after Mr. Pizzo looked at the numbers and competition from PILOT Programs in Winslow Township and Washington Township he felt he could not develop what was approved a few years back. The project was shown to other developers and they also felt the numbers could not compete with surrounding areas. Mr. Petrongolo noted after speaking to a few of the professionals he would like the area designated as a Redevelopment Zone. In addition to the 326 units located on the 24 acres we would like to put a commercial portion on the 20 acres along the Black Horse Pike so the whole area would be under redevelopment. Cncl. Miller noted this would include about 200,000 square feet of commercial on the Black Horse Pike. Mr. Petrongolo noted presently he does not own a couple parcels but the idea is to get all the parcels designated as a Redevelopment Zone so that we can compete with the other townships. Pizzo recently stated that if we were successful in getting the area designed as a Redevelopment Zone and we got a

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F.) COMMITTEE REPORTS (cont'd)

PILOT Program they would 100% be back in to complete the development they originally started off of Cross Keys Road. Cncl. Miller asked Mr. Petrongolo to explain what additional revenue would be brought in if this were to move forward, what the impact would be on the school system and what township services would be needed. He noted Barclay Gen is one of the largest ratables in the municipality and there are only 40 school children in the development. Mr. Petrongolo explained some preliminary investigations were done and an actuary attorney that does many PILOT Programs in Central and North Jersey did a three page report showing that approximately \$16,000,000.00 will be returned to the township in a thirty year period if this were to move forward. In regards to the effect on the schools this phase would have one and two bedroom units. The only three bedroom units would be for affordable housing. This includes only the 24 acre parcel not the 20 acre parcel that will be attached to it for commercial. Cncl. Miller questioned in doing this would it assist in getting the commercial built out. Mr. Petrongolo's response was there is no question about that, the more rooftops the more people will want to be there. Currently we have the IHOP Pancake House, Cinder Bar and the Inspira Urgent Care which will be opening and that all happened after the housing went up. Cncl. Miller noted this is one of the preliminary conversations taking place to get the approved project moving forward. He asked Mr. Petrongolo to send him any additional information they may have before Council contemplates moving forward with a redevelopment designation. Mayor Teeffy noted the key to this is it gives Council control of how the project works and it gives some control over what commercial goes there. Right now we have approval for 326 apartments and we have no control over it. People on Prosser Avenue do not what additional traffic there so this allows another access for the apartment complex from the Black Horse Pike. Cncl. Heffner questioned if this gives us control of the project can we say we want the commercial built before the apartments. Solicitor Fiore explained it is already an approved development but they are asking for the PILOT which could be anywhere from five years to thirty years. He added we could be creative and maybe tie the PILOT in somehow with a percentage of building out the commercial.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 11/13/17

Cncl. Pres., McIlvaine referred to Resolution R:248-2017 regarding release of the performance bond for Willow Woods and he asked Mrs. Cornforth if everything was good in that development. Mrs. Cornforth noted after a long few years they have finally settled everything. The last issue they had to deal with before they could come off the bond was a land safety issue dealing with basin buffer plantings and that was done last week. She noted she received an email from Richmond Homes late today and they are ready to submit their maintenance bond. Mrs. Cornforth noted the Director of Public Works had questioned if more work would be done on the basins. She explained Richmond remediated the two large basins. ARH has been monitoring them and they seem to be working fine so an agreement was reached and they conceded to pave Mannington Drive because we said the basins were fine. Council questioned whether Mr. Calvello was okay with that since his department will be taking over the basins. Mr. Calvello noted he didn't know if the basins could get any better than they already are but he questioned whether Mrs. Cornforth could

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G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 11/13/17 (cont'd)

request them to be mowed one more time so when spring gets here he will be able to see what is there. Cncl. Pres., McIlvaine questioned whether the resolution should be held until Mrs. Cornforth asks them to do that. Mrs. Cornforth advised if Council wants her to ask for the basins to be cut again she would recommend holding the resolution at this time. **Cncl. Heffner** recommended the resolution be held and all members of Council agreed. Mrs. Cornforth advised she will contact the developer tomorrow. Cncl. Pres., McIlvaine noted Resolution R:248-2017 will be removed from the Regular Council Meeting agenda.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED – 11/13/17

Solicitor Fiore advised the Request for Proposals for township professionals will be advertised in the newspaper and the submission date is December 13, 2017. The positions to be advertised are Municipal Prosecutor, Public Defender, Planning Board Attorney, Planning Board Engineer, Planning Board Planner, Risk Management Consultant, Township Attorney, Auditor, Bond Counsel, Labor Counsel, Township Physician, Zoning Board of Adjustment Attorney, Zoning Board of Adjustment Engineer, Zoning Board Planner, Redevelopment Special Counsel, Affordable Housing Administrator, Master Plan Reexamination Planner. **Mayor Teeffy** asked if some of the titles were going to be grouped together instead of having all the individual positions. The titles were discussed and Solicitor Fiore instructed the Clerk to take out the Master Plan Reexamination Planner because that will be part of the duties of the Planning Board Planner. Council discussed the Affordable Housing Administrator and the title for that position was changed to Affordable Housing Administrative Agent.

Director of Public Safety, Jim Smart reported the Chief, OEM, Traffic and Mr. Calvello met to discuss an emergency access to Lakeside Drive. He noted the top of the dams were paved and we are waiting for the weight limit specs from the engineers to see if they could be used as an emergency access to the lake area. In the meantime the lake association wants to install permanent structures to stop traffic from using them. We would like to install gates but they are planning to try to finish them off this week. Mr. Calvello commented he didn't want to absorb too much of their cost because a lot of the funding for the dam was from the State. Mr. Smart went on to say there were trackhoes sitting on the top of the dam and they weigh about 80,000 pounds so he would not be nervous about driving across it but it should not be used as a roadway only strictly as an emergency access route and through OEM and the Police Department we would figure out a key routine. This is definitely something that should be considered because we did have an incident before when trees went down and everyone in the lake area had no way out. This access would take us right out to Sunset Drive. Mr. Smart urged Council to get behind this as it makes sense for the township and the residents of the lake area.

Cncl. Heffner referred to Ordinance O:39-2017 and questioned whether the 25% or \$5,000.00 were numbers from the State because opt-out is currently in employee contracts so that would need to be negotiated. **Mr. Heydel** explained prior to 2011 there was no employee premium sharing but in 2011 the law was changed to require it and that same

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H.) QUESTIONS REGARDING ORDINANCES SCHEDULED – 11/13/17 (cont'd)

law stated opt-out could not be negotiated and it should have come out of the contract in 2012 because it is invalid. He noted he has an opinion on that from labor counsel that he will provide to Council. Cncl. Heffner clarified that during contract negotiations that will be removed from the contract. Mr. Heydel advised that it would. **Cncl. DiLucia** noted he read the law and it does say it is not subject to collective bargaining but his concern is if you bargain for it then you can't unilaterally change what was bargained. Under the severability provision State or Federally mandated law supersedes the collective bargaining agreement but the whole spirit of this is that it is designed so they can't set the compensation amount the municipality will pay. He noted he finds it troubling that the labor counsel now says we can't negotiate it when they negotiated it and left it in the contract for five years. He expressed concern that mathematically it could create a reduction in the \$2400.00 compensation currently in the contracts. Mr. Heydel explained two people have spouses receiving benefits from the MMUA, which is in the State Health Benefits, but their prescription plan is not so the prescription portion is subject to the opt-out. Those people will get less than the \$2400.00. Cncl. DiLucia noted this was not included in the police contracts and now they have made it a demand that we are responding to. He expressed concern that if the township waives its right to refuse to bargain there could be problems if someone goes below \$2400.00 and if it goes before an arbitrator there are many instances where they rule in favor of past practices. He added if the labor attorney says the law bars us from collective bargaining then we should have a letter from him saying that. Mr. Heydel advised he has an opinion letter from the labor attorney and he will forward that to Council. Cncl. DiLucia noted we need to protect the township because the labor attorney gave an opinion that is contrary to what they did and that would create a weakness when going into arbitration because they allowed us to do this by finalizing the contract. Mr. Heydel noted that language has been in the contracts since the 1990's. He noted he wants to update the language to make it current because there are somethings in there that are ridiculous but the attorneys whether it be for the Police Officer's Association or Local 1360 never want to take language out. In this case it was more of an oversight than actually bargaining it at the time. Cncl. DiLucia noted our labor counsel should have done that because the law was clear and precise and they are paid to assure we are current with what the law requires. He requested the three collective bargaining representatives be advised that it will be removed from their contract because it is in conflict with the State Statute and if they have a problem they should notify us with their intent to grieve within five days. Mr. Heydel stated he would do that.

I.) ADJOURNMENT

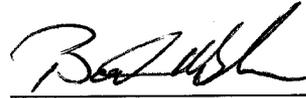
With nothing further for discussion, **Cncl. Miller** made a motion to adjourn the Council Work Session of November 13, 2017. The motion was seconded by **Cncl. Garbowski** and was unanimously approved by all members of Council present.

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Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of November 13, 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 AMJ
Approved as corrected _____

Date 11/27/17
Date _____