

**MINUTES
SPECIAL COUNCIL MEETING
TOWNSHIP OF MONROE
AUGUST 1, 2018**

A.) OPENING CEREMONIES

CALL TO ORDER

The Special Council Meeting of the Township of Monroe was called to order at approximately 6:30PM by **Cncl. Pres., Rich DiLucia** in the First Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

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

Cncl. Pres., DiLucia stated a sign-in sheet was placed in the meeting room. If anyone would like to address Council, please sign in and you will be recognized during the Public Portion. Kindly state your name for the record.

SALUTE TO THE FLAG

Cncl. Garbowski led the Assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Ron Garbowski	Present	
Cncl. Bob Heffner		Excused
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Cncl. Pres. Rich DiLucia	Present	
Mayor Daniel Teefy		Excused
Solicitor, Lou Cappelli, Jr.	Present	
Business Administrator, Kevin Heydel		Excused
Engineer, Ray Jordan	Present (6:42pm)	
Dir. of Finance, Karyn Paccione		Excused
Dir. of Public Safety, Jim Smart		Excused
Dir. of Public Works, Mike Calvello	Present (6:40pm)	
Dir. of Comm. Dev./Code Enf., Rosemary Flaherty		Excused
Dir. of Parks & Recreation, Jim Bonder		Excused
Deputy Mayor, Andy Potopchuk		Excused
Deputy Police Chief Stephen Farrell	Present	
Planner, J. Timothy Kernan	Present	
Deputy Municipal Clerk, Aileen Chiselko	Present	

B.) REPORTS AND OTHER MATTERS

Cncl. Pres. DiLucia announced this Special Council Meeting was scheduled to discuss redevelopment/rehabilitation areas.

Cncl. Miller explained he wanted Council to be informed of the status and progress being made regarding various redevelopment and rehabilitation sites in the Township and to allow the professionals to report on it. He noted, the Route 322/Tuckahoe Road area is a preliminary investigation and we will be moving forward with the Victory Lakes Rehabilitation designation.

Planner, J. Timothy Kernan introduced **Pamela Pellegrini** of Maser Consulting P.A. and **Ed Campbell** of Campbell Rocco Law, LLC. Ms. Pellegrini provided a presentation for the Route 322/Tuckahoe Road redevelopment designation to Council. She said this was a difficult

**MINUTES
SPECIAL COUNCIL MEETING
TOWNSHIP OF MONROE
AUGUST 1, 2018**

B.) REPORTS AND OTHER MATTERS (cont'd)

study to do, because there are only a handful of properties that meet more than one criteria. **Ms. Pellegrini** brought attention to the Criteria Evaluation Map. She said the one criteria they all have in common is the age criteria, which they are in a Smart Growth Area, based on the State Planning Area. Within the study area, there are three abandoned properties as a singular criteria, and there are four abandoned properties that meet the underutilization criteria, which is an improvement value that is less than 1:1 with its land value. She explained that a lot of the lots have very narrow widths as compared to their depths. This makes development difficult without it being combined with other properties; there are no access easements to where they are, there are several properties that are landlocked and the Township owns, and there are a handful of lots that have been vacant for more than ten years. She said the additional criteria that needs to be looked at is whether there are title problems or impediments that would give a reason why those parcels have been staying vacant for so long. There are some residential lots in a residential zone and there is really no other criteria, other than the Smart Growth criteria, that would apply to them. Their back parcels could be valuable to have available to other lots to include in the redevelopment planning. **Cncl. Miller** pointed out on the map, the ARC in this area of the map and said they have discussed the possibility of potentially expanding their facilities. **Ms. Pellegrini** said there is Case Law that having just an age criteria, it is not real strong when it comes to putting it in your redevelopment area, so we need to have other reasons; this will be discussed at a future Planning Board meeting as to how strong they feel about their inclusion and will have to support it with reasons to have them included. **Cncl. Miller** stated, part of the reason the Redevelopment Committee wanted to pursue this is because they want to control the growth in the area. He foresees a particular lot being developed in coming months and there will be an excessive burden on the intersection and some of the additional areas that are considered commercial; this entices development in the area and allows Council to set the plan to determine how we want to move forward, and we also get to control the growth. He said this is part of the reason we want to adopt them and pursue the investigation and defer it to the Planning Board, but it also allows additional enticement for development in terms of pilots or abatements to try to entice that commercial growth we could potentially see in control of this intersection. **Cncl. McIlvaine** said he is very concerned about the eminent domain and asked what the justification is for having it. **Cncl. Miller** replied, the reason we contemplated eminent domain, which most redevelopment sites these days do include eminent domain as an option, we have redevelopment areas in Monroe where we have the condemnation route, but have never actually used it. What potentially happens in these areas, once you deem them redevelopment, is some of these lots become extremely valuable. He explained, what could potentially occur, is someone could say they want to hinder growth in development or they can rack up the value of their property and say, for example, it is assessed at \$200,000 but the only way we are going to budge is if you give us \$500,000 or \$600,000. **Cncl. Miller** clarified, this is not to take homes away from the residents, it is more of an enticement to say we have the ability to use it. He gave an example of Glassboro facing a case with the Rowan Boulevard project and someone who was trying to throw a wrench in their plans, and also gave an example of some areas in Atlantic City where you can see there are commercial developments and a random vacant lot that does not make any sense in the development plan. This gives us the ability to say we have it in our back pocket, however it is Council who decides in the end if we use it or not. He does not believe we will ever actually use eminent domain and does not believe it is popular, so this is why we included it in there. **Cncl. McIlvaine** explained his concern with this matter, giving an example, if someone owns a piece of property and to them it is valuable, then so be it. He believes it should not be up to the Township to be able to say we are going to take it and give a person the value of only the \$200,000 and not \$500,000 that they feel it is worth to them, therefore, we are going to take it as eminent domain and give the \$200,000. He said he does not support this. He is concerned that ten years from now, maybe a new Governing Body might have a different idea and start going down the line and pulling people's properties. He does not have a problem with the redevelopment zone, just as long as we remove the stipulation. **Cncl. Miller** reminded everyone this is still up to the determination of the Planning Board. **Cncl. McIlvaine** mentioned people are very concerned about this and **Cncl. Miller** said he is aware and several property owners have contacted him. He said it is ultimately up to the Planning Board, but Council has the ability to vote on it. He clarified the Redevelopment Committee felt this was in the best interest of what we are trying pursue. **Cncl. McIlvaine** clarified he is dead-set against any eminent domain. **Cncl. Pres. DiLucia** asked **Cncl. Miller** if the Committee wants this verbiage stated, but will

MINUTES
SPECIAL COUNCIL MEETING
TOWNSHIP OF MONROE
AUGUST 1, 2018

B.) REPORTS AND OTHER MATTERS (cont'd)

never use it, why do they want the verbiage if they will never use it. Cncl. Miller replied, because it adds value; people know that, people understand that and it is a bargaining chip/negotiating tool. Cncl. Pres. DiLucia asked if this can be leverage against people who believe their property is worth more. Cncl. Miller said, no, and asked **Solicitor Lou Cappelli** to attest to this with commercial property owners. Mr. Cappelli gave an example of a case in a municipality in Camden County. There was a property in designated redevelopment area, which was first done without eminent domain, and ended up lingering for several years, because the property owner said his property was worth \$6.5 million, though the highest appraisal in the area was \$2 million. It finally went back to the Planning Board and eminent domain was added. Discussions were made on the price of this property, the property was finally sold, and is now in the process of being rebuilt. He said the intent of this is not to use it against residential homeowners at all; this is not unusual, it is a bargaining chip. Cncl. Miller said it is common in most municipalities. He said the Township has done this before with Williamstown Square; this was a condemnation area. **Cncl. Marino** feels that it is going to grow outward, over time, but we are talking about a long period of time. He thinks it hinders developers from wanting to come in and develop if they do not have this and would have to sit on a property for many years and not close on it. **Cncl. McIlvaine** feels there is risk and there is reward, and Government constantly overreaches. Cncl. Marino said there needs to be balance and try to bring in ratables. Cncl. McIlvaine clarified he does not have a problem with the redevelopment zone, but he does not support the eminent domain. **Mr. Kernan** summarized the schedule of this matter, saying there will be an informal discussion with the Planning Board on August 9, 2018, a Public Hearing on August 23, 2018 and Mr. Campbell will publish the two notices. **Mr. Campbell** explained the notices will be published in the newspaper either on August 5, 2018 and August 12, 2018, or on August 6, 2018 and August 13, 2018; the mailings will go out either Friday, August 11, 2018 (*August 11, 2018 fell on Saturday*) or Monday, August 13, 2018. Mr. Kernan said the Planning Board will make their findings and a Resolution will be prepared for the next Council Meeting after the August 23rd Planning Board Meeting. Cncl. Marino clarified the Planning Board will not give an opinion on condemnation. Mr. Campbell explained the matter is referred from Council to the Planning Board to investigate, they evaluate if this area meets the criteria to determine if it is in need of rehabilitation. He said there is no nuance the Planning Board has on their plate that they can come back and say yes or no as to the condemnation. The Planning Board does the evaluation, whether it was referred to them as condemnation or non-condemnation area.

Ms. Pellegrini provided a presentation for the Lakes Rehabilitation Area. She said there were 1,548 lots that were studied. She brought attention to the Land Use/Abandoned Properties Map. This map shows abandonment and underutilization that is spread much throughout the study area, which is significant. She said, originally, they tried to look at the criteria for structures greater than 50% of the residential structures of 50 years or older, but fell short; there were about 45% of the residential structures, so we did not meet that particular criteria, which is mostly commonly used. She explained there is another criteria that talks about a pattern of vacancy, abandonment and underutilization, so this is the criteria this study area has been evaluated on. She said, of the 1,548 lots studied, there are 427 long-standing vacant/unimproved parcels; these are made up of 365 vacant parcels which total 325 acres, 53 public/tax-exempt unimproved parcels which total 112 acres, and 9 unimproved farmland parcels which total 296 acres. She said there are 78 registered abandoned residential properties which total 54 acres and 94 of the parcels would be considered underutilized. With that pattern, overall, the vacant or unimproved land totaling 785 acres represents 68.3% of the parcel area. Mrs. Pellegrini clarified this area would qualify as a need of rehabilitation. **Cncl. McIlvaine** stated his concern is that a flood of contractors will come in and buy up these parcels under redevelopment, fixing up these houses and renting them out. He asked if we can stop that from happening, such as requiring the house must be lived in for a certain amount of years. **Cncl. Miller** suggested residential tax abatements could be given for owner-occupied houses in an area considered for redevelopment/rehabilitation. **Mr. Campbell** will look into this suggestion. He said he understands the value of this proposition, however, he feels we would also be taking away an incentive for people who rehabilitate properties in need of rehabilitation. Cncl. McIlvaine clarified this is strictly just his opinion, but he would rather see a house sitting vacant and dilapidated than have someone move in there who is going to start stabbing their neighbors or

**MINUTES
SPECIAL COUNCIL MEETING
TOWNSHIP OF MONROE
AUGUST 1, 2018**

B.) REPORTS AND OTHER MATTERS (cont'd)

dealing drugs, which he feels the center of town is a perfect example of, because most landlords do not care about who they rent to or how they maintain their properties. He does not want to make it easy for people to rehabilitate these homes, rent them out and then the area turns into a slum. **Cncl. Marino** requested that we also look into, if a person buys and flips a home, could they transfer that abatement and the years left on it to the new home owner. **Cncl. McIlvaine** clarified he wants this to happen, however, he wants it to happen the right way. **Mr. Kernan** explained this is going to go forward for the Planning Board Meeting of August 9, 2018 and there is no requirement for a Public Hearing at the Planning Board stage, so Ms. Pellegrini is going to present the report on August 9, 2018 and a Resolution will be prepared for the Planning Board Meeting of August 23, 2018 and a Resolution prepared for, possibly, the Council Meeting of August 27, 2018.

Cncl. Miller mentioned there is a Resolution that needs to be prepared for the Cross Keys Redevelopment Area for the Council Meeting of August 27, 2018. He explained this Resolution is to defer the determination of the area. **Mr. Kernan** further explained this area is within Route 42, Berlin-Cross Keys Road, and Prosser Avenue to the Winslow Township boundary line. **Mr. Campbell** said the Planning Board Meeting was at the end of May and the Board adopted a Resolution memorializing the recommendation of the non-condemnation. He said there were a handful of residents who came to speak and expressed concern about access on Prosser Avenue. **Mr. Kernan** said the Resolution that will be prepared for Council will be to declare the Cross Keys area, in need of redevelopment, is non-condemnation.

Solicitor Cappelli advised that draft documents are not subject to OPRA; no one from the public should be looking at anything that is called a "draft". He specified the draft document for the Route 322/Tuckahoe Road redevelopment should not be viewed in any office by the public. **Mr. Kernan** clarified only the map could be viewed by the public.

Cncl. Dilks asked what the difference is between the two redevelopment areas and the condemnation. **Cncl. Miller** explained the reason we did not pursue condemnation with the Cross Keys area is because the majority of the parcels are owned by one or two individuals, so it would not make relevance or sense; we are dealing with larger lot sizes and less controversy. With the Route 322/Tuckahoe Road area, we are dealing with smaller lot sizes and potential issues, so that is why we pursued condemnation. With the Lakes rehabilitation area, we did not deem condemnation, because of the fact we are dealing with two or three property owners, one being a major property owner.


C.) GENERAL PUBLIC DISCUSSION

Cncl. Miller made a motion to open the General Public Discussion. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council in attendance. With no one wishing to speak, **Cncl. Miller** made a motion to close the General Public Discussion. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council in attendance.

D.) ADJOURNMENT

With nothing further to discuss, **Cncl. Miller** made a motion to adjourn the Special Council Meeting of August 1, 2018. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Aileen Chiselko, RMC
Deputy Municipal Clerk



Presiding Officer

