

**MINUTES
WORK SESSION MEETING
TOWNSHIP OF MONROE
FEBRUARY 8, 2011**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Marvin G. Dilks, Jr.** 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. Rich DiLucia led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Marvin G. Dilks, Jr.	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Chris Rehmann	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:10 PM)
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Community Affairs, Sandy Dilks		Excused
Twp Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

• **Williamstown Square**

Solicitor Fiore noted the Williamstown Square Project, which has been an ongoing process over the last five to six years, is now coming to fruition. He explained questions arose regarding the relevant legislation (*resolution and several ordinances*) on the agenda this evening. A Redevelopment Committee Meeting was held last week to address those questions. In attendance at the meeting were Mr. Fiore, the Redevelopment Committee Chairman Cncl. Caligiuri, Cncl. Dilks, Cncl. Garbowski, Engineer Chris Rehmann, BA Kevin Heydel, CFO Jeff Coles, Charles Liebling, the attorney on behalf of Williamstown Square and Stuart Wainberg one of the principals of the Benderson Group. As a result of

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that meeting all the questions were answered and the relevant documents before Council for consideration this evening were clarified. Mr. Fiore introduced Charles Liebling, Counsel on behalf of Williamstown Square, who was in attendance to address any questions Council members might have. **Cncl. William Sebastian** requested Cncl. Caligiuri, Chairman of the Redevelopment Committee to provide Council with the specifics discussed during the Redevelopment Committee Meeting. **Cncl. Frank Caligiuri** reported the Committee reviewed the financial agreement and found some items that appeared to be vague or potentially miss interpreted. He referred to page 5 of the ordinance and read the following statement "*pursuant to the Redevelopment Agreement the township is to finance certain costs*" and noted that could be misconstrued as the township is financing those costs. The redeveloper agreed to make some changes to that language and it now reads "*the entity is to advance certain cost on behalf of the township*". That language is crystal clear and cannot be interpreted any other way. Cncl. Caligiuri noted on page 5 of 32 "Article III Duration of the Agreement, Section 3.01 Term" there was some verbiage that alluded to the fact that the agreement would extend 30 years beyond the last certificate of occupancy. A recommendation was made that the developer add and he did agree to add the following "*however, in no case shall the agreement remain in affect longer than 35 years from the date of execution of this agreement*". Cncl. Caligiuri noted that language prevents the developer from extending the agreement perpetuity by simply getting another approval very late in the process and having the agreement extend 30 years beyond that approval. **Cncl. Sebastian** questioned whether the Redevelopment Committee was satisfied with the changes made. Cncl. Caligiuri and the other members of the Committee indicated they were satisfied. Solicitor Fiore explained the next step in the process is for the entire matter to be brought before the Local Finance Board during the first or second week of March. He noted another set of eyes will review the documentation and either approve or disapprove it. Mr. Fiore noted we are confident based upon the amount of work that went into this and the thoroughness of the documents that the State will approve the project as it exists. **Cncl. Rich DiLucia** questioned whether this project was 100% commercial. Cncl. Caligiuri indicated that it is. He added the most important part that was clarified was the fact that our exposure is limited to the 65% that we are returning back to the redeveloper over a period of 30 years and if the promissory note is not paid within that period of time there is no further exposure on behalf of the township. That was clarified in the agreement and also in the language of the promissory note. **Mayor Michael Gabbianelli** questioned whether Cncl. Bryson's question regarding the cost of living on the land taxes was addressed. Cncl. Caligiuri indicated it was the committee's intention for that to change along with the regular tax rate but he deferred that question to the attorney. Solicitor Fiore advised it would change annually along with the tax rate. **Cncl. Daniel Teefy** questioned when the annual service charge of \$2.70 would change. Cncl. Caligiuri noted not for twenty (20) years. Mr. Fiore explained the change is on the land only; the \$2.70 is a twenty year cap and that tax incentive only deals with the improvements, not with the land. Cncl. Caligiuri added there is approximately \$50,000.00 in land tax that will be subject to annual increases. Cncl. Sebastian questioned whether the Solicitor could explain the RAB Bond. Mr. Fiore explained this is referred to as a promissory note, which is confusing, as it appears we are the ones signing the promissory note when actually we are not. It is just the structure and the labels that are put to certain documentations but it

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B.) MATTERS FOR DISCUSSION (cont'd)

is clearly not a promissory note on behalf of the municipality. Cncl. Sebastian questioned whether the township was bonding for \$6.9 million dollars. Mr. Fiore noted the township is not bonding for \$6 million dollars; we are agreeing to pay back 65% of a maximum of 6.9%. He explained it is not bonding but there is no other term to call it, as that is what the RAB Law calls it. We refer to it as a promissory note but it is actually not a promissory note and the language does not contain a guarantee by the township to pay it back. Mr. Rehmann questioned whether this would go against our debt service. Mr. Fiore replied "no it does not". Cncl. Caligiuri also explained that the land tax is refunded annually so it does not matter if it goes up since by virtue of this agreement, it must all be given back.

- Bond Ordinance Authorizing the Completion of Various Capital Improvements in the Township of Monroe, County of Gloucester, New Jersey Authorizing the Issuance of an Obligation in the Form of a Promissory Note Not to Exceed an Aggregate Principal Amount of \$6,900,000 to Finance Part of the Costs Thereof and Authorizing Certain Related Actions in Connection with the Foregoing.

Solicitor Fiore explained the bond ordinance is part of the entire process and is simply a formality Council must go through to authorize certain improvements. It references the promissory note being executed and the obligation of \$6.9 million dollars to finance part of the costs. He also explained the documents in the other two ordinances on the agenda deal with the repayment structure. Mr. Fiore recommended the Bond Ordinance be moved forward this evening or no later than the next Council Meeting because it is needed in order to move this matter forward to the Local Finance Board. **Cncl. Sebastian** indicated he was looking for clarification because Ordinance O:09, Section II, paragraph B states *"the estimated aggregate principle minimum amount of bonds or notes to be issued for the project for the purpose described in Section 1 is \$6.9 million"*. Mr. Fiore noted this is very confusing but we are not bonding. He went on to explain that this was also reviewed by Parker McCay, a bond counsel known throughout the State, and they agree that this is not a bond. **Charles Liebling**, Attorney for Williamstown Square indicated Section V of the Bond Ordinance states specifically that the credit of the township is not pledged. **Cncl. Pres., Dilks** polled Council and all were in favor of moving the Bond Ordinance forward for First Reading at the Regular Council Meeting. The Clerk noted *"for the record"* the Supplemental Debt Statement has been received.

C.) PUBLIC PORTION

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

Connie Reedman was in attendance to pose questions to Council regarding the Justin Commons Development located on Rt. 322, which will consist of 132 one, two and three bedroom affordable rental units. She posed questions regarding how many students this project will bring to our school district, as the classrooms are already overcrowded. She

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C.) PUBLIC PORTION (cont'd)

spoke of her son being in a classroom with 34 children, of teachers complaining to parents how difficult it is to teach this year compared to years past, how her taxes are maxed out at \$10,500.00, of receiving a notice about reassessing her property and of how she cannot afford this anymore. Mrs. Reedman questioned whether a bus depot was going to be built on Route 322 and whether that road was going to be expanded. She spoke of the crime in Hunter Woods, how kids were dropped off in groups on Halloween, how ten year olds were being offered cigarettes and drinks and how she had to contact the Police Department to disburse the crowds of kids. **Solicitor Fiore** indicated we could try to get the information regarding the number of students based upon the standards that will be applicable. **Engineer Chris Rehmann** noted because of prior case law the township was precluded from denying the subdivision based on its impact to the schools. He explained Council does not approve subdivisions, the Planning Board does but Council does pass legislation that allows the Planning Board to do that. He explained this project would have been very difficult for the Planning Board to deny as long as the developer complied with the Land Subdivision Law. Mr. Rehmann indicated he was unaware of any project dealing with a bus depot coming into town. He referred to the expansion of Glassboro Road and explained a project to expand the intersection of Fries Mill Road and Rt. 322 to allow different turning movements has been submitted to the Department of Transportation due to some potential development around that intersection. The State has performed studies from Fries Mill Road through Glassboro but Mr. Rehmann was not aware of any plans to expand the number of lanes on that roadway. **Cncl. William Sebastian** felt only a bus stop was going to be installed on Rt. 322 for the buses running from Winslow to Glassboro. **Mayor Gabbianelli** felt the bus depot may be part of Ingerman's preliminary approval for State funding, as they are negotiating with New Jersey Transit to expand the bus line to that area. Cncl. Sebastian noted there are statistics that show how many students would come out of each particular unit but there is no way to determine whether those students would be elementary, middle or high school age. **Cncl. Walter Bryson** questioned the number of one, two and three bedroom units the complex will have. No one knew the exact number but Cncl. Caligiuri felt there are only a few three bedroom units. Cncl. Bryson explained that development came from a court settlement and the number of children, the road traffic, water and municipal services provided to COAH housing could not be addressed during that hearing, as the municipality does not have the right to dispute any of those things. Mr. Rehmann explained for approximately six years the Mayor and Redevelopment Committee have been negotiating the Redevelopment Agreement that is before Council this evening. If approved that agreement will bring a 300,000 square foot shopping center to the township and that will increase our tax base. Mrs. Reedman questioned whether that money would go to the school system. Mr. Rehmann explained under the law, Council is not required to give the school board any of that money but they will make a decision along with the Board of Education as to how that money will be shared. This shopping center will benefit the township by creating jobs and rateables. The Mayor noted the Wal-Mart will be breaking ground in April and that will bring in half a million dollars in tax revenue. He noted this Administration and Council have worked with developers for the last six to eight years to bring businesses here but because Monroe Township is in the Pinelands it has been difficult to attract them.

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C.) PUBLIC PORTION (cont'd)

Mrs. Reedman noted taxpayers have no more money for the school system so it needs to come from someplace else. The Mayor spoke of State legislators working on the tax problem for thirty years and still not coming up with a way to do that. He added additional money will be going into the schools from the new development but he was not sure how much because the amount the township receives is based upon occupancy of the buildings. **Cncl. Rich DiLucia** explained because of the law, the township cannot deny builders the right to build even though we know it puts a financial burden on the municipality and the schools. However, recently Council defied that law by refusing a developer's proposal. Economic issues were raised because we have a moral mandate to educate our children; many of which have mental and physical deficiencies that need one on one education. The governor cut funding to school districts and municipalities, which means less money to educate children. The Mayor spoke of the State previously paying to educate those children. **Cncl. DiLucia** noted class size diminishes the ability to get a quality education, especially for the children that are not at the top of their class. The governor has already said he is going to cut funding to schools and municipalities and now he has placed a 2% cap on them as well. The Board of Education stated at their meeting that they have the space to lower class sizes but the question is whether they have the money for teachers. **Cncl. DiLucia** noted if the State cuts additional money from the schools there may be a reduction in teachers next year and that issue falls squarely on the State because this governor has cost shifted by putting the State house in financial order on the backs of municipalities and school districts. He noted at some point in time the people of this State need to say this is wrong and that is not going to be done by one municipality or one group of Councilman, it must be something recognized by everyone. **Cncl. DiLucia** noted we also have the COAH issue to deal with along with the other financial issues. Council is not in favor of putting more tax burden on taxpayers and is going to do whatever we can to hold the line on developers building more homes but unfortunately, the courts are not sympathetic with us.

Sherie Jenkins noted as a community we need to start thinking out of the box as everyone has a role in dealing with these issues. She spoke of the Ingerman website promoting Section 8 applications for Justin Commons and noted we need to develop resolutions in conjunction with the School Board of how the issue of additional children in our schools will be handled. She also questioned how the public safety issue for 132 more homes will be dealt with proactively instead of reactively. She added that may not be a priority but it should be because it affects our children and will diminish people coming to this beautiful community. **Solicitor Fiore** noted we have been thinking out of the box with the redevelopment issue by having the roadwork done first and we fought for the Wal-Mart all the way up to the State Supreme Court. Mayor Gabbianelli noted we also fought Ingerman in court where the judge ordered a settlement that gave the township 40 bonus COAH units. **Mr. Fiore** explained the township is battling the Builder's League, one of the largest lobbyists in the State of New Jersey. He explained a few years ago developers put properties under contract and got approvals for age restricted housing however, due to a fourteen year glut on age restricted housing the Builder's League petitioned the State Legislature, which created a conversion law that allows developers with previously approved age restricted communities to apply to local Planning Boards to convert those

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communities to single family homes. Now every municipality in the State of New Jersey is stuck with that law that our professionals are battling everyday. Mayor Gabbianelli noted in the Hunter Woods area there are five or six senior housing projects that were approved and could be converted because the Builder's League got their way again. Engineer, Chris Rehmann added the infinite wisdom of our legislators converted those to family type units on lots that were not increased in size, so where we expected to have one or two people occupying a home we will now have families on small lots and there is nothing this board can do about it. He added this is not just happening in Monroe Township, it is happening throughout the State and we sometimes cannot understand the thought process that goes into decisions of that type. An ongoing fight is whether the governor should have COAH housing. He explained in the northern part of the State people who cannot afford market rate housing need to find homes and because we have the land the developers are trying to put those housing units here. That is a fight that needs to be fought on the State Legislature level because the towns in New Jersey can only do what the State allows them to do. Mrs. Jenkins noted Hunter Woods still has an issue with no water and she requested that issue also be addressed. She noted Washington Township has a moratorium on building and she encouraged Council to partner with them and adopt that as well. She noted whatever they did to successfully get the moratorium Haddonfield will soon be doing it as well and she recommended Monroe look into this to see if we could argue the same case to get a moratorium. Solicitor Fiore noted generally it is illegal to issue a moratorium and he questioned whether it had something to do with the Washington Township MUA. Mrs. Jenkins was not aware of the specifics but she urged Council to explore this to see if it would fit our situation. **Cncl. Walter Bryson** referred to comments made about the Section 8 affordable housing units on Rt. 322 and noted this Council was aware of the State changing the law but could do nothing with that particular development because of their Builder's Remedy Lawsuit, which is the only way these developers can get these projects built. Because of COAH when these issues go to court the judge will not hear any impact the development will have on the schools, on traffic or on municipal utilities. To add to that, COAH had gone through a change the end of last year and our legislators chose to take COAH rather than have a separate agency handle it. They chose to develop new affordable housing laws that are written more strongly than the original COAH agreements so that builder's have more rights than municipalities do. Cncl. Bryson noted Council tried to fight those COAH units all the way to the end but there was nothing we could do to stay them off. He noted the State is about \$10.5 billion short so we may be receiving less State funding than we received last year making it even harder on the school district. He added if anyone should be lobbied it should be the State legislators and he urged Mrs. Jenkins to give him any ideas she may have regarding reducing real estate taxes so that he can pass them on to the State legislators. Cncl. Bryson felt the best thing that could be done would be a moratorium on residential building. **Cncl. Daniel Teefy** noted during the last eight or nine years that he has been on Council he has heard how people do not want any more residential building but in 2003 when we had 500 houses built the township had a good year because more revenue came in. We are in a situation right now where we are looking for every dollar in revenue we can get but if we had 500 additional homes coming in the revenue generated from certificates of occupancy would help level off the taxes of current residents. He added that makes no sense but the more people we have and the larger tax

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base we have helps pay for schools. He noted we have the classrooms; we just need the teachers and that is where the State should help by giving more money to the schools. **Cncl. Sebastian** noted this Council is not against the school district and has helped them whenever possible such as when we found a little known law that allowed the township to shift money and give a one-time donation to save freshmen sports. He referred to comments made regarding new developments and noted with every new development complaints are made that it will impact the schools, it happened twenty years ago when Hunter Woods was built and it is happening again; it is not something new. He explained municipalities must expand with the land they have, Washington Township's moratorium on building is easy for them because they are pretty much built out and the commercial coming towards Monroe now is because they cannot find space in Washington Township. He noted the moratorium might be for a specific development, as there are still "*will build to suit*" signs along Egg Harbor Road or it could be a moratorium with respect to a certain amount of acreage being required to build. Mayor Gabbianelli noted we have done that but Pineland's regulations supersede ours. Mrs. Jenkins noted she was not here to accuse Council of doing anything; she was here to say we need to come together as a community to resolve the situation to benefit everybody. She felt that would not be hard to do and she urged Council to discuss this with Washington Township, as there may be something we can learn from them that will help our situation. Mrs. Jenkins also questioned the Mayor in regards to the transportation audit on Rt. 322 not being in favor of a traffic signal at the Hunter Woods entrance. Mayor Gabbianelli explained Rt. 322 is a State highway and they dictate what happens there, which is why there is a holdup on the improvements to the Rt. 322 and Fries Mill Road intersection. **Cncl. DiLucia** questioned what suggestions Mrs. Jenkins has to resolve funding issues with the schools. Mrs. Jenkins suggested the Mayor find a way to get money from builders for our schools such as Winslow Township and Haddonfield did. **Cncl. DiLucia** noted Winslow's answer to education was to lay off almost 250 people and bring in a subcontractor that has no experience whatsoever with education. Teacher assistants require some sort of degree but Winslow brought in people who know nothing about special education and gave them \$10.00 an hour per diem, no background checks were done, no benefits or insurance is given and there have already been problems with those people selling drugs in the schools. Mrs. Jenkins explained she just wanted to give the example of how things were done in the past in Winslow Township when they required developers to build schools in the middle of their developments. She suggested the township figure out a way to get some funding from the developers for the schools and to look at a building moratorium. Solicitor Fiore advised the Municipal Land Use Law has been amended and does not allow developers to build schools, as they did in the past. Mrs. Jenkins suggested the township contact Senator Sweeney to see if he can do something. **Cncl. Bryson** noted during televised Council meetings he has been requesting citizens to give him their ideas of how real estate taxes can be reduced and those ideas have been forwarded to Senator Madden, Assemblymen Moriarty and DiCicco and he will continue to forward all future suggestions.

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

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C.) PUBLIC PORTION (cont'd)

Cncl. Frank Caligiuri looked up the Ingerman Group on the internet and noted Justin Commons was not posted yet but they did have a development in Salem County with Section 8 units with rent ranging from \$483.00 for a one bedroom unit up to \$1163.00 for a three bedroom. This is restricted to those earning from 30% to 60% of Salem County's medium income of \$78,300.00, which means someone earning from \$20,000.00 up to \$45,000.00 can rent a one to three bedroom unit. The site states the complex will take Section 8 and HUD applicants but they will have to meet all the stipulations in the screening process, which includes a criminal background check and a credit check. **Cncl. Caligiuri** noted when the Ingerman Group made their presentation to this Council they assured us that there would be no Section 8 in that development. He recommended a letter be written to the Ingerman Group requesting clarification on that. **Cncl. Bryson** noted that is not Ingerman's fault because the COAH law changed in January of last year and it now requires the bottom tier of those that are looking for housing be Section 8.

D.) NEW BUSINESS

Cncl. Daniel Teefy noted according to the new census we have 36,000 people and he questioned whether we could petition for a new liquor license. The Clerk advised that we already have twelve and are right at the number we should be. We do have two distribution licenses that could be put out for bid. **Cncl. Sebastian** noted he recommended to Senator Madden that the legislature pass a law that would allow additional liquor licenses in redevelopment areas, such as the law that allows hotels with 100 rooms or more to get a liquor license from the State. He suggested sending a resolution to the State asking that a redevelopment zone be allowed additional liquor licenses depending upon square footage of the site. **Solicitor Fiore** noted that issue was discussed a couple of years ago but nothing ever happened and it died.

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS

Cncl. Rich DiLucia reported the Finance Committee met regarding the interest rate on taxes. The committee needed more information in terms of what the revenue is and what it is derived from and a recommendation was made for the Finance Committee and Budget Committee to hold a joint meeting to discuss this problem once that information is received. **Cncl. DiLucia** reported at this time the Finance Committee is not ready to make any recommendation on that issue.

Cncl. Frank Caligiuri reported the Budget Committee just received the requested paperwork and will be scheduling a meeting to discuss the budget.

Solicitor Fiore reported the Mayor received a letter from the State regarding the funding for the Williamsburg Village water extension. He requested that issue, which was tabled in January for further discussion, be placed on a future Work Session Meeting as the State is anxious to fund that project.

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G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 2/8/11 - None

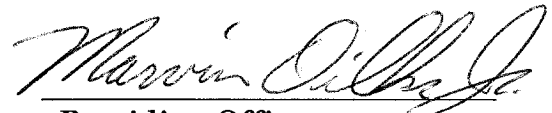
H.) QUESTIONS REGARDING ORDINANCES SCHEDULED – 2/8/11 - None

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of February 8, 2011. The motion was seconded by **Cncl. Frank Caligiuri** 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 February 8, 2011 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 SM Date 2/22/11
Approved as corrected _____ Date _____