

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**A.) OPENING CEREMONIES & ROLL CALL**

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Daniel P. Teefy** 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. **Walter Bryson** led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present
Cncl. Frank Caligiuri	Present
Cncl. Marvin Dilks	Present
Cncl. Rich DiLucia	Present
Cncl. Ronald Garbowski	Present
Cncl. William Sebastian	Present
Cncl. Pres., Daniel Teefy	Present

Mayor, Michael Gabbianelli	Present
Business Admin., Kevin Heydel	Present
Solicitor, Charles Fiore	Present
Engineer, Chris Rehmann	Present
Dir. of Finance, Jeff Coles	Present
Dir. of Public Safety, Jim Smart	Present
Dir. of Code Enforcement, George Reitz	Present
Dir. of Public Works, Bob Avis	Present
Municipal Clerk, Susan McCormick	Present

**B.) MATTERS FOR DISCUSSION**

• **Presentation**

Proposed Renovation Old Jamesway Building (*Williamstown Shopping Ctr*)

**Cncl. Walter Bryson, Chairman of the Redevelopment Committee** introduced Mr. Francis Schultz of Schultz Enterprises, owner of the facility (*as noted above*) along with Gerald A. Sinclair, Esq. who is representing Mr. Schultz in this matter. **Cncl. Bryson** noted that both were in attendance to give a presentation so that all involved have an understanding of what they are attempting to do. Mr. Sinclair explained that Mr. Schultz purchased the property near the end 2012. It is a 61,000 sq ft.

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**B.) MATTERS FOR DISCUSSION (cont'd)**

building which went from retail to manufacturing and since has been sitting vacant. The bank foreclosed on it and Mr. Schultz brought it from the bank. He now would like to propose bringing it back to retail use. A portion of it, approximately 10,000 to 20,000 sq ft he would like to use for himself. Approximately 30,000 sq ft would be utilized by a "baseball academy" they would like to relocate into this facility and he is actively negotiating and pretty close to an agreement. Mr. Sinclair added there would probably be a 3<sup>rd</sup> retail use because Mr. Schultz does not need the remainder. Therefore, there would be roughly 10,000 to 20,000 for Shorty's business, 10,000 to 20,000 for another unknown retail use and approximately 30,000 for the baseball academy. Mr. Sinclair submitted rough sketches of a minor site plan prepared by Sickels & Associates, Inc. who will be the project engineer as well as a proposed elevation by Bishop & Smith an Architectural Firm out of Laurel Springs. There were two (2) versions: one being a rendering with just two (2) tenants and the other if occupied by three (3) tenants. Mr. Sinclair indicated that the existing building and parking lot would be improved esthetically as Mr. Schultz wants to be proud of the facility.

**Mr. Schultz** then noted when he first looked at the building he met with Mr. Caligiuri and attended a meeting where he kind of threw the world at him and all that now is off the table. He explained his business is in auto parts and with today's technology, that is where our growth is going. Mr. Schultz noted his company was the third largest Ebay used parts distributor. We want this property to be our retail and shipping area. Everything will be dismantled, cleaned and drained at our other location, (2778 S. Black Horse Pike) the only thing that will be done at this new facility is to set up two little studios for pictures, as we picture everything we sell on the internet and it will be racked and shipped. There also will be a small retail operation as you walk in because we still like to sell to the public, it would be on the lines of a glorified Pep Boys (*after market and used parts*). Mr. Schultz noted that some day he would like to pull out of the location and utilize his other location further down along the Black Horse Pike where he would like to build a new facility (*this could be lengthy process, dealing with Pinelands, etc.*) He further noted this will be a nice, friendly use of the property, everything will get delivered in box trucks, you will see **no** tow trucks or car caucuses coming in and out. Mr. Schultz explained that he was very close to signing with All Pro Sports (*baseball academy*) and will probably sign the lease sometime this week. Supposedly, the proprietor indicated there will be some \$200,000 worth of improvements to the interior of the building. The facility deals with mostly younger people and hopefully it will be a positive thing and we will be a good neighbor. **Cncl. Pres., Teefy** noted that his son has attended this program and it is a very good indoor baseball facility. **Mr. Schultz** then spoke on the township's future plan for Main Street and how this would only help him in his endeavor. He indicated he would be more than willing to assist with any future needs. **Mr. Sinclair** referred to the minor site plan sketch and advised that there are extensive parking lot improvements. **Mr. Schultz** then noted there was much vandalism at that building and just this past Thursday we got it powered up, had it completely re-wired and a completely new HVAC system has yet to be installed. **Mr. Schultz** noted he was open for suggestions if anyone was not pleased with the rendering presented.

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013

**B.) MATTERS FOR DISCUSSION (cont'd)**

**Cncl. Frank Caligiuri** posed several questions one being if Mr. Schultz was the redeveloper of record for the site. Solicitor Fiore advised we took a look at that because the township has not named a redeveloper. In order to move this particular project forward they (*Schultz*) do not have to be named as the redeveloper. It was Mr. Fiore's recommendation, as a courtesy to the redevelopment committee and council because all were involved intimately in coming up with the plan, that a recommendation be made coming from the full council to the Planning Board. Mr. Fiore stressed this issue came up, through litigation, with the Dollar General store. He added the township did not have a redeveloper at that point in time therefore the owners of Dollar General took us to court and the township was compelled to allow them to go in. Our position was that it was inconsistent with the redevelopment plan. In really looking at it, commercial/retail is not inconsistent with redevelopment. At this point, **Cncl. Caligiuri** presented a visual aide (*iced cupcake*). He noted the redevelopment plan calls for an expansion of Main Street (*if a redeveloper was named*) someone would incur a piece of the cost of redeveloping Main Street and moving on to put all the stuff through. If the Planning Board were to just allow you (*Schultz*) to go ahead, and nobody pays for the restoration of Main Street that is kind of like (*displaying an iced cupcake*) giving you the top of the cupcake and we (*township*) getting the other piece (*without icing*) to stick up our butts. **Solicitor Fiore** noted he did not necessarily disagree with his concept but you have to look at the purpose of redevelopment. Mr. Fiore explained that towns were jumping toward redevelopment and worked while the economy was booming. He spoke of all the litigation that occurred and it basically said, if you don't have the owner on board with redevelopment it will never ever work. Here we have the Stuart Wainberg piece and from a theoretical standpoint, it works because we have the same owner. In this instance, we don't have the same owner so it will never work from the technical sense that redevelopment was designed to work for. **Cncl. Caligiuri** noted that is why his first question was if he (*Schultz*) was the redeveloper of record and if not perhaps it would be a good idea to name him the redeveloper of record and have him put together a plan for the site. Mr. Fiore noted then we would be asking him to develop someone else's site, someone who has no motivation whatsoever to develop his site. Mr. Fiore stressed he was not a proponent nor an opponent he was saying that redevelopment does not work unless you have the owner on board with the entire site. **Cncl. Caligiuri** noted that he felt everyone should get together on this if, in fact, it is a redevelopment site, either that or take it off the list as a redevelopment site. Mr. Fiore noted that may not be a bad idea. The mayor then indicated that is what we should do. **Cncl. Caligiuri** added that we had painstakingly come up with this whole idea of relocating Main Street because it was a good idea at the time. It really originated on the third floor and was carried down here. It was a good idea at one time. Now, it's not a good idea? There was some discussion back and forth on the merits of the plan regarding Main Street as well as the proposed improvements at the site.

**Engineer, Chris Rehmann** suggested that council's recommendation to the Planning Board include a plan from the applicant's engineer to show whether or not the relocation of Main Street could be done in a fashion that would allow the applicant some additional (*one or two*) pad sites. This would be something he would have in order to help

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013

**B.) MATTERS FOR DISCUSSION (cont'd)**

regain the cost of what investment he would make in the improvement to Main Street. Mr. Rehmann explained if he is allowed to have a pad site in this location then his commitment would be to build that portion of Main Street. **Cncl. Caligiuri** noted he was game for anything; it is just that we spent all this time putting together this redevelopment zone with the idea to relocate Main Street. My question is who is paying for it? If we have one person in this part of the redevelopment zone and another person doing what they want in their part and there is no redeveloper of record, why do we have a redevelopment zone?

**Cncl. Walter Bryson** advised when we (*Bryson, DiLucia, Sebastian*) had our meeting with Mr. Sinclair and Mr. Schultz there was a discussion about that area (*he pointed out the area on the rendering that had been submitted*). If the road were to go through as it was originally planned that would be even better as it relates to this plan. **Cncl. Bryson** spoke of the recommendation to the Planning Board (*at this time there was much noise and paper rattling in the room, which made a section of the recording indiscernible*). **Cncl. Bryson** then noted this plan was a good idea mainly because there really is no redevelopment area over there, there really is no type of redevelopment area on either side of the pike. We have a redeveloper on one side of the pike but he is virtually inactive. When you look at this side of the pike we have someone here who wants to take an eyesore of the town, make it useful for everybody and do what we basically were told would help to bring things to that zone. That is why we (*committee*) made a recommendation to have this proposal presented to the Planning Board but because we wanted everybody to see what this is all about and get an idea of what we may be doing we asked Mr. Schultz and Mr. Sinclair to attend this work session. **Cncl. Bryson** noted the presentation given was even more than what the committee originally saw. **Mr. Sinclair** indicated that the renderings submitted were just hand-delivered to his office this afternoon.

**Cncl. William Sebastian** noted as far as this applicant is concerned, Main Street is not an issue. He already said that if they wanted to re-route Main Street he would give up some of his property. **Mr. Schultz** then noted if it does come to fruition where you do this redevelopment, and I do not know how you word it, but I would be willing to join in with any conversation on this. You can't put a dollar value on it now because he did not even know if the owner (*shopping center*) would let him do anything to his property. **Mayor Gabbianelli** stressed that if Main Street comes through his property, Mr. Schultz will end up with a couple pad sites there. Mr. Sinclair noted we would welcome them. The mayor responded he was sure they would. Mayor Gabbianelli then noted that if this thing gets through, this will go to the Planning Board, he is on the board and if it gets approved there must be a whole lot of stipulations. Because I am not going to look at a junky "piece of -----" car back there. They are going to dismantle, they will dismantle down at Shorty's facility but the parts will be brought up here, there is going to be a whole lot that has to be (*inaudible*). The mayor requested that all aspects of this plan be figured out before it is brought to the Planning Board. Mr. Sinclair advised that he sat with Mr. Schultz and discussed what he anticipated the township would require and in his behalf, he has agreed 100% to everything. **Cncl. William Sebastian** noted for clarification

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**B.) MATTERS FOR DISCUSSION (cont'd)**

purposes that the applicant stated at the time he met with the committee there would only be small box trucks (*UPS, Fed Ex*) going out and they would have their own box trucks bringing in parts, etc. Mr. Schultz again reiterated that we will not be bringing in tow trucks. He stressed it is not going to be a junkyard that would not encourage the future as to where he wants to go with this. This facility will be used strictly for storage, shipping, internet sales and small retail. **Cncl. Ronald Garbwoski** questioned if Mr. Schultz currently has a possible 3<sup>rd</sup> tenant. Mr. Schultz replied, he did not. Mr. Sinclair referred to the rendering and explained if a third tenant were to come in the baseball academy would to the left, Shorty's business will be on right and the third tenant alternate elevation would be in between the two.

**Cncl. Frank Caligiuri** then noted the only other function of a redevelopment zone is consistency. Probably the foremost redeveloper that he remembered was Kravco who originally developed the very first mall in Philadelphia that being the Roosevelt Mall and then went on to develop the Oxford Valley Mall. The concept that Kravco put together was that all the stores, in a particular area, would complement each other so that the shoppers that would naturally buy things at one store would buy certain things at another so that one store supported the other and drew them all in, which was kind of the reason for having a redeveloper. **Cncl. Caligiuri** noted the only reason he was mentioning this was that he felt Mr. Schultz should seriously consider becoming the redeveloper for the zone because you could then capitalize on the other properties. Mr. Sinclair responded that Shorty was basically not a redeveloper by trade. **Cncl. Caligiuri** commented that you may have other stores that complement your store and attract tenants and create traffic. Mr. Sinclair noted it was a good thought and certainly ideal, but in this economy, it would be particularly hard to necessarily do.

**Cncl. William Sebastian** spoke with regard to the rental for the 30,000 sq ft piece and noted he has tripled that square footage since the first conversation with Mr. Schultz. Mr. Schultz clarified that it started at 15,000 sq ft and since has been increased to 30,000 sq ft. **Cncl. Sebastian** noted his point was if that 3<sup>rd</sup> tenant does not come in, the first tenant may take over additional space at some time. Mr. Schultz then explained the original lease was for 15,000 sq ft the first year, 20,000 the second, 25,000 then 30,000. He noted he was not going to move walls every year and he actually gave him 30,000 sq ft for a 15,000 sq ft rate and then rent increases. **Cncl. Walter Bryson** noted that it is all retail, basically and this operation may help fill some of the other stores, at least for now. The key is that it will draw people to that area. **Cncl. Marvin Dilks** posed a question regarding the loading docks located at the rear of the facility. Mr. Schultz explained where the loading docks are located and the access his vehicles would use when delivering or picking up.

The solicitor suggested that a recommendation from the Council to the Planning Board be made and include verbiage for some calculation to be done for the improvement of Main Street, when it happens. Just some type of vote of approval because it is in a redevelopment area. **Cncl. William Sebastian** questioned how far we were moving the redevelopment area on that side of the road. The solicitor indicated we were not removing

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**B.) MATTERS FOR DISCUSSION (cont'd)**

any of it. This recommendation is just for the purposes of this applicant, moving it forward to the Planning Board. **Cncl. Pres., Teefy** noted we are not removing redevelopment yet.

**Cncl. Walter Bryson** made a motion to recommend that this project be moved forward to the Planning Board. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by members of council with the exception of **Cncl. Frank Caligiuri** who wished to **ABSTAIN**.

Mr. Sinclair thanked everyone for their time and noted he would work out the details with Mr. Fiore. Mr. Sinclair noted that we obviously have more work to do and of course there is the Pinelands.

**Cncl. Pres., Daniel Teefy** explained that a resolution would be put together for approval at the next regular council meeting. He urged Mr. Sinclair to make sure all items were in order. **Cncl. Pres., Teefy** noted we would definitely like to see movement on what has been an eyesore in this town for years and felt this was a very good thing to do.

- **Sustainable New Jersey Resolutions**  
*Establishing a Green Team Advisory Committee*  
*Sustainable Land Use Pledge Resolution*

**Patrick McDevitt – Environmental Commission Member** spoke to council on the above referenced resolutions. He explained council members supported participation in the Sustainable Jersey Municipal Certification Program back in February via resolution. The draft resolutions submitted are additional ones needed to proceed on into the program. He advised we formed a “green team” as sort of a sub-committee under the environmental commission to coordinate some of the activities. He spoke of the Land Use Pledge that is a mandatory resolution that must accompany their submission with all required documentation (*June submission deadline*). Mr. McDevitt noted they are in the process of collecting the needed points required, that being 150. Currently we have 110 points and the process is moving quite smoothly.

**Cncl. William Sebastian** referred to the Sustainable Land Use Pledge Resolution explaining that this pledge in way takes anything from either the Zoning Board or the Planning Board’s actions as they are under state statute. The solicitor explained the MLUL give those boards their ultimate decision making powers. **Cncl. Sebastian** noted even though this council reviews the Master Plan and follows the pledge; it could be changed by either the Zoning or Planning Board in their normal process.

**Chris Waldron, Director of Sustainability for Camden County** was in attendance and explained he was working with many municipalities on this program. There are thirty-seven (37) municipalities in Camden County and twenty-two (22) that are already registered under this program. This is a state run program with support from

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**B.) MATTERS FOR DISCUSSION (cont'd)**

the Board of Public Utilities, many gas and oil companies, Walmart and a number of other sponsors. Mr. Waldron, from working with many municipalities, has learned that it is not that different from what is already being done, it is just a matter of putting all documentation together in a package and taking advantage of many grant opportunities and technical support that Sustainable New Jersey offers. Again, he spoke of the Sustainable Land Use pledge emphasizing it is just that a pledge. It is not an ordinance, the language is somewhat vague so that you can tailor it to your needs. **Cncl. William Sebastian** questioned how Camden County handles the Pinelands. Mr. Waldron noted that he was the Chairman of the Environmental Commission in Winslow Township so basically because there is already a lot of language in place about how to deal with both Wetlands and Pinelands, we just tailored that and work it into the Sustainable New Jersey program. Mr. Waldron noted he works in the City of Camden and believe it or not the City of Camden is certified into this program because they have a lot people working on things such as access to local food and water conservation, etc. **Engineer, Chris Rehmann** noted this also brings awareness and he spoke on the merits of this program and what they are trying to achieve. Mr. Waldron went on to explain there is a lot of awareness, a lot of public programs and a lot of connecting with various municipalities. Again, it is municipal based so if your municipality is not engaged in the program it's not going to happen. Solicitor Fiore then explained this committee is sort of a spin off/advisory board of the Environmental Commission, it is not a statutory board that is created by council.

The resolutions as noted above will be placed on the agenda for approval at the regular council meeting of April 22, 2013.

**C.) PUBLIC PORTION**

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

**Carol Giebel - 210 Oak Street** approached council members to speak on the error made on the assessment of her COAH home. She referred to the work session meeting of March 11, 2013 (*requested a copy of meeting tape*) where it was determined that she would receive a two year reimbursement on her back taxes. Ms. Giebel stressed that she felt this was unfair. She explained her son had received his reimbursement last year and she has been trying to fight this matter since 2008 when the taxes went up. She noted she met with the assessor (*county*) and it was explained to her there was nothing they could do because there was nothing showing that it was a low/moderate income home. Ms. Giebel then noted she also went to our local tax assessor and they advised it still was not showing as a low/moderate income home and was advised that she had to find three (3) other low income homes that sold within three (3) years. The only COAH homes she knew of were the four located on Oak Street, one her son *now* lives in, the other two were brought the same day as hers in December, 1998. She explained that she again came into the tax assessor and questioned how to do this and was told she would have to

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**C.) PUBLIC PORTION (cont'd)**

search through real estate agencies. After an exhaustive search with various real estate agencies only one responded they had any kind of records on low income properties, they researched it and advised her they had no record of low income homes being sold in years. Ms. Giebel continued to explain the lengths both she and her daughter-in-law went to. Finally, last year they went to Congressman Andrew's office and she (*daughter-in-law*) was granted all the monies for all of her back taxes. There was then paperwork involved that had to be submitted within a week, she could not get time off from work so she placed it in the mail. In the meantime, her son and daughter-in-law received word they were going to lower their taxes as they did find there was a code of some sort on the actual deeds. Ms. Giebel noted that her paperwork never showed up at the county (*they claimed*) they did explain she would be getting a significant decrease in her taxes but she had to wait until this year before she could come before council to explain her case. The Mayor asked for clarification and if in fact it was the county that advised Ms. Giebel on this. She responded yes, at the tax office over in Clayton. She continued to speak on what had transpired over the years and how she was advised by both the county and local tax assessor offices. She then spoke on the content of the tape recording of the meeting of March 11, 2013 and advised that she just wanted mayor and council to know that she felt she was entitled to this money because it is not an appeal, it is not something that she just decided she wanted her taxes lowered. It is something, she felt was due to her because of the fact the person that did this years ago (*2008*) did not do their job and did not look into the COAH homes. She explained she purchased her home through Rural Housing Opportunities located in Vineland, NJ, which is no longer at that location. **Cncl. Frank Caligiuri** questioned the exact amount of the reimbursement, how much would the township owe. Ms. Giebel was unsure of the exact amount it was approximately \$10,000.00.

**Director of Finance, Jeff Coles** explained there was a mistake made in the assessor's office and the property was not labeled as being COAH. The mayor questioned if this was the County Assessor's office. Mr. Coles responded, no it was our local assessor's office at the time. They were treating it as an appeal because it was not labeled as a COAH property and finally when it was determined to be a COAH property they lowered it back down to the COAH standards. The tax collector has calculated what the taxes were and the amount owed over the term is approximately \$10,000.00. **Cncl. Pres., Teefy** questioned how they determine a COAH property. The mayor responded that it is supposed to be indicated on the deed. He then questioned why when Ms. Giebel went to the county they did not pull the deed? Ms. Giebel noted that they looked at it but I believe there is a code of some kind, it does not actually say COAH. **Cncl. Pres., Teefy** explained that when this matter was reviewed at the prior work session we were looking into the state statute and the county actually came back to us and said the state statute says you can go back two (2) years and that is how we came to the determination. Ms. Giebel indicated that time period was for an appeal, not for this. **Solicitor Fiore** noted that generally speaking there is no legislation either way that says we can or we cannot go back eight years, this is the problem from a municipality standpoint. Mr. Fiore added that statutorily we needed to be able to determine how far we can go back. He felt this was done with the decision made prior; it was not an emotional decision and the ultimate

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**C.) PUBLIC PORTION (cont'd)**

decision was that legally you can only go back that two years and that is why council reached the conclusion they did. **Cncl. Frank Caligiuri** indicated that her (*Ms. Geibel*) son was able to capture more than two years. Ms. Geibel noted her son was reimbursed an amount of over \$8,000.00 last year. Mr. Fiore questioned how many years they went back. She responded all the way back to 2008. The solicitor advised that council can make the motion to recant the decision made at the work session of March 11, 2013 and authorize the full refund adding that you can vote your conscience, sometimes this is better than the law. He added this should be done by resolution. **Cncl. Frank Caligiuri** noted that he would give it back to her. **Cncl. Walter Bryson** suggested that possibly council review this, take another look at it. There are two things involved here one we have a statute and then there is the human component. We are looking at giving back money to someone who indeed is due the money, not necessarily due to a mistake on our part and perhaps due to a mistake by the county. He questioned do we look at this again or do we stick to the statute because if we do this now then the next one down the road we will have to follow statute. The solicitor referred to a COAH property in the Amberleigh subdivision (*condos*) where the back taxes were reimbursed (*2012*) and that matter was supposed to have been corrected. The county may have made a mistake on some level but when that property was first recorded as a COAH property the deed did not reflect that it was a COAH property. Initially, it was a local issue, retroactively we were the keeper of the records until such time as the county took over the tax assessment responsibilities. Ms. Giebel again went into what transpired during the time she attempted to have this matter addressed through the efforts of Congressman Andrews office. **Solicitor Fiore** stressed what the county has done is they have indicated the only process they are allowed to follow is the "tax appeal" process. If you are seeking relief beyond that you should morally appeal to council, to see if they will approve to reimburse retroactively back to 2008. The county can only apply that retroactively for two (2) years. There is a legal appeal and a moral appeal. **Cncl. Rich DiLucia** noted as he understands this, when someone gets a home through low or moderate income there is an assessed value attached to that property that is below market value. From that point there is never a checks and balance, in other words, if your income goes up we as a township cannot go back to the owner and say you owe us money because you underpaid taxes. The solicitor then noted there is a "COAH Calculator" but his understanding was that it is *not tied* into the income of the party. **Cncl. DiLucia** then noted, in this case, what we heard at the last work session meeting was that the statute holds you to two (2) years. This now becomes really a precedent setting decision because any case going forward, whether it be 20 years or 25, once we went beyond the two years is what we are really talking about. We are not now talking about an individual case we are talking about every case that falls in this category, whether we are willing to go beyond what our legal requirements are. Mr. Fiore added last year when the issue came up there was direction to make sure all the COAH properties were coded properly, quite frankly he did not know what happened with this particular property.

**Director of Finance, Jeff Coles** then explained the county assessor's office at first was mistakenly looking for an appeal and everyone kept pushing her toward the tax appeal process. Then realizing it was a COAH property they had to reduce it back to what

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013

C.) PUBLIC PORTION (cont'd)

it was, that is what they did, they reduced it back and there was no formal paperwork. **Cncl. Walter Bryson** questioned Ms. Giebel if she was paying taxes as a COAH home before we had the reassessment. Ms. Giebel responded "yes".

**Cncl. Frank Caligiuri** made a motion to reimburse back taxes from 2008 through 2012 in the amount calculated by the tax collector. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

**Cncl. Pres., Teefy** advised that a resolution would be drafted and placed on the Regular Council Meeting agenda of April 22, 2013.

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

\*\*\*\*\*

At this time, **Cncl. William Sebastian** noted as a follow-up and questioning the possibility of even more of these properties coming before council. There was discussion on who would be the proper individual to follow-up on the verification of COAH properties. Dan Kozak advised that Tim Kernan, COAH Administrator sent all the information on the COAH properties we have over to the County Tax Assessor's Office. He noted it was their job (*county*) to earmark the properties, this was not done and what happens when they do an assessment it is just reevaluated as a regular home.

**Director of Finance, Jeff Coles** noted we should probably request from the county assessor's office information on whether this problem has been rectified and if the properties have been lowered and taken care of as well as having a list generated of the properties that were corrected.

**Solicitor Fiore** noted generally speaking would not the red flag be, if you have a COAH property, and one year your taxes are \$2,000.00 then you receive a tax bill for \$6,000.00 wouldn't that serve as an indication to the home owner (*notice*) that something is wrong. **Cncl. Rich DiLucia** felt there was a bigger issue here, one that we cannot resolve but felt that we deserve an answer to. **Cncl. DiLucia** stressed he had no problem with reimbursing this particular resident because she clearly overpaid. He stressed his problem was when someone qualifies for reduced taxes that actually gives them an economic advantage over their neighbors, in terms of what they paying for as a taxpayer for the same services. **Cncl. DiLucia** did not wish to raise this point earlier because it is an emotional issue. However, there is no annual check and balance system and it is very likely she could be making more than all her neighbors, since she is working. Yet, there is a law that says once you are eligible for low/moderate housing and you buy something you get this forever even though your income goes up decidedly. **Cncl. DiLucia** then noted he really felt, perhaps in the form a resolution, that we should inquire at the state level just what the thought is behind this. He questioned if there was an avenue with which to pursue an answer.

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

**Cncl. Ronald Garbowski** indicated that, he knew for a fact, the last time this happened, we requested Mr. Kernan to send a report to the township and make sure the county tax assessor's office also is advised on the content of the report so this does not continue to happen. **Cncl. Garbwoski** questioned Dan Kozak if he was ever copied on such a report. Mr. Kozak responded not that he could recall however I am not in that loop, that goes from Tim Kernan to the county assessor. They do not have to notify me on this as I have nothing to do with the deeds, this is Tim's job as the COAH Administrator. **Cncl. Garbowski** felt there should be someone to follow up. Mr. Kozak emphasized Tim already sent a list to the county. **Business Administrator, Kevin Heydel** suggested we go back to the county and ask them for their list and give it to Tim Kernan so that he can reconcile the list against what he has.

D.) **NEW BUSINESS** - None

E.) **OLD BUSINESS** - None

F.) **COMMITTEE REPORTS** - None

G.) **QUESTIONS REGARDING RESOLUTIONS SCHEDULED**

**Cncl. Marvin Dilks** posed a question with respect to **R:90-2013 Resolution Authorizing The Execution Of A Change Order For Lexa Concrete, LLC In The Increased Amount Of \$5,649.00 For The 2012 North Main Street Sidewalk Extension Project Within The Township Of Monroe.** He questioned how much has been paid out on the project to date. **Business Administrator, Kevin Heydel** noted the dollar amount still owed to the contractor is \$10,808.00. **Engineer, Chris Rehmann** explained there is still signage and restoration that must be completed. Mr. Rehmann then spoke with regard to a problem with the curb and gutter and sidewalk that needs to be replaced explaining that ARH has reimbursed the town approximately \$2,600.00 because it was our error and the township should not suffer for our error. **Cncl. Dilks** noted he agreed with that but explained there still remains a problem with a driveway apron which is pitched the wrong way and every time it rains the water lays in the apron, it is not pitched out toward the road it is pitched back toward the property. There was discussion on why this particular driveway was even installed. Mr. Rehmann will check on this and report back on the matter.

**Cncl. Pres., Daniel Teefy** spoke Resolution R:91-2013 *Appointing Member To The Monroe Township Economic Development Commission.* He explained there was a need for nominations to be made on this appointment and council had received paperwork from both Jill Simmermon and Charlene Garlic showing their interest to serve on this board.

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 8, 2013**

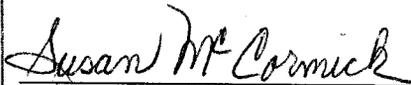
**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED**

**Cncl. Walter Bryson** questioned Ordinance **O:08-2013** *An Ordinance Of The Township Council Of The Township Of Monroe To Amend Chapter 74 Of The Code Of The Township Of Monroe, Entitled "Fees"*. Solicitor, Charles Fiore explained that recent case law prompted the change in fees for Municipal Court Discovery Requests.

**I.) ADJOURNMENT**

With nothing further for discussion, **Cncl. Richard DiLucia** made a motion to adjourn the Council Work Session of April 8, 2013. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council.

**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 April 8, 2013 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 AmJ Date 4/22/13  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_