

**MINUTES
WORK SESSION MEETING
TOWNSHIP OF MONROE
MAY 24, 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. Ronald Garbowski** 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	(Arrived 7:05PM)
Cncl. Pres., Marvin G. Dilks, Jr.	Present	
Mayor, Michael Gabbianelli	Present	(Arrived 7:15PM)
Business Admin., Kevin Heydel	Present	(Arrived 7:35PM)
Solicitor, Charles Fiore	Present	
Eng., Chris Rehmann, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Community Affairs, Sandy Dilks		Excused
Twp Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

Cncl. Pres., Marvin Dilks advised on the scheduling for the Memorial Day Parade being held on **Monday, May 30, 2011**. The parade line-up will gather at Our Lady of Peace Parish parking lot, line up is at 10:30AM with the actual parade commencing at 11:00AM down Main Street to Veteran's Memorial Park.

- **Comcast Grant**

Cncl. Pres., Marvin Dilks advised that he received a request from the Historical Society with respect to the Comcast grant that was received by the township. Their request was for air-conditioning to be installed at the Ireland Hofer House. There were questions

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B.) MATTERS FOR DISCUSSION (cont'd)

posed on some of the conditions included within the grant and the type of projects that would be eligible for funding. **Cncl. Ronald Garbowski** noted that Barry Taylor had retired from Comcast and he was awaiting a phone call from **Fred D'Andrea – Director of Government Affairs** for Comcast. The Clerk referred to an email sent with regard to her conversation with Mr. D'Andrea. **Cncl. Garbowski** read the text of the email: *I received a call from Mr. D'Andrea in response to the message left yesterday. He advised he would contact you on your cell phone to speak with you personally. If, for some reason, you don't speak with him he did tell me that Comcast does not audit the checks used to purchase items with the grant money. They would prefer it be used for technology or cable related things. They would like to think the money is distributed in the spirit of the grant but there is absolutely no scrutiny as to how towns can use that money. He said he could look into locating the wish list items but I told him to speak with you on that.* **Cncl. William Sebastian** felt the problem is not with Comcast, it is with the state as the franchise application and grant must be filed with the Board of Public Utilities. They are the entity that finally approved the wording and different aspects of the agreement and he was concerned that the state may require the township to adhere to what was included in the application (*wish list*). **Cncl. Ronald Garbowski** suggested that the committee continue to get all submittals from various departments in writing at which time all requests will be taken into consideration on how best to spend the funds. In the meantime, he would attempt to get in contact with someone from the BPU.

• **Tuckahoe Road Auto Sales – Junkyard Renewal**

Cncl. Pres., Marvin Dilks requested the Director of Code Enforcement, George Reitz give council a brief update on the status of the junkyard. Mr. Reitz reported that there hasn't been much work going on at the site since the tires have been cleaned up. Mr. Reitz advised that all 2010 taxes have been paid and all 2011 taxes are current. The junkyard license was scheduled for approval under Correspondence at the regular council meeting.

Cncl. Pres., Marvin Dilks questioned the Mayor on the status of the work on bathroom facilities at Duffy Park. The Mayor noted the work will be done soon but emphasized how during this time of year we are little short on manpower but with summer help coming we may be able to free up some workers. The Mayor stressed that both the Public Works and Buildings and Grounds departments are being inundated and he was not sure where are going (*with respect to staffing*). He also indicated that there will be layoffs and Mr. Heydel will be presenting some kind of plan to council. Mayor Gabbianelli then noted if the work at Duffy Park cannot be done within a week or so then he would consider sub-contracting the work out. There is money in the Parks & Rec account this would not be coming from the budget.

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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 in attendance.

Joe Elentrio, Trio Tavern spoke to council noting his concern with regard to a complaint that was filed against him and his business. He added he has been a business owner for forty years and this was the first time he ever had to speak on such an issue. He added he was never issued a summons or until now has ever had a problem with a neighbor. Mr. Elentrio read a prepared statement: *As most people who know us we are a zero tolerance bar for drugs, underage drinking, and disturbances. While we are not Williamstown residents, we are proud Williamstown business owners who employ eight (8) to ten (10) Williamstown residents. We use ten (10) to twenty (20) Williamstown businesses a week. We pay \$20,000.00 in property taxes and another \$5,000.00 in license fees every year. We run a clean, respectable, responsible business and we are proud of it. The idea that someone is going around degrading our business and worse our name and reputation is beyond upsetting to me. We received a summons for court for June 14th, which we will attend. Now a good neighbor brings a letter that is being put in everyone's mailbox in Diamond Lakes. I came here tonight to put an end to the lies and the badgering. I think we have been a positive figure in Williamstown for the last seven (7) years helping everyone that came to our door with a good cause. To say that we disrespect law enforcement and our neighbors is a total lie, degrading and in defamation to our character and our business. We have changed the image of the bar. We now have many more public servants, neighbors, law enforcement personnel, and their families patronizing our business. We will match our background and record and lack of disturbances, fights and nuisance calls with any bar in this town.*

Mr. Elentrio went on to speak and informed council members that his business is now getting a problem from the one neighbor we thought was resolved and now we get another problem that she said we were loud all night with loud music being played outside. He referred to Sunday, May 1st as being the deck opening party and noted that the band playing that day was Cry Wolf, headed by Joe Loscalzo, a deputy sheriff. The band was done playing with all equipment put away at 7:00PM. A large number of people at a funeral service/viewing saw Mr. Loscalzo, along with members of the band, for a young man who was killed in a motorcycle accident. The viewing was held in Washington Township and took place that same Sunday night. He went on stress that this woman is really breaking his back and really hurting his business by calling the cops all the time on us. He went on note we have had cops in at the time when she calls and the cops do come, when they come, if they come say they cannot hear anything but request that the music be turned down. He went on to state that he never disrespects anybody that is how he was brought up, if someone tells me to do something I do it. I respect law enforcement, always did, always will. He continued to speak of his concerns as this really upsets him most of all the accusation that he disrespects police officers. Mr. Elentrio then noted that if we have to sue this woman for defamation of character, he would do that. He felt his background and

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C.) PUBLIC PORTION (cont'd)

reputation speaks for itself and there will be plenty of good law-abiding citizens in attendance this evening to support him.

Mike Marsh – Trio Tavern then advised council members that both he and Mr. Elentrio attended a conflict resolution hearing and we agreed at that time that we would close the windows and doors at 10:00PM and not allow any noise outside the building. On the specific day in question, May 1st we thought there would be no problem as it was a daytime event. He added that he physically walked up and down Sharps Road and you can not even hear the bar. The woman with the complaints lives almost a ¼ of a mile away from the bar noting that he does not understand why she has a case against the bar. Mr. Elentrio then elaborated that he received a phone call at the bar complaining there were cars up and down her street. Mr. Elentrio apologized and immediately drove over there and there was not a vehicle, not one car on the street (*other than a disabled truck along the road*). When he arrived back at his business, there were two police officers there and he noted to them that he thought he was being harassed. He stressed that he would abide by the law, whatever he is supposed to do he will do. **Mr. Marsh** then continued we don't want to have the neighbors fighting with each other, we don't anyone mad at us and he did not know why there is such a problem. He then distributed copies of the letter that was placed in the mail boxes in the surrounding neighborhood.

Cncl. Frank Caligiuri spoke with regard to the matter indicating that he did speak with this particular resident about the issues, before the arbitration took place. One of the things he did recommend was the arbitration and he told the resident that here in America we protect the rights of everybody. That she had certain rights but Trio Tavern also had certain rights and after 10:00PM you cannot make noise but prior to that you can. He went on to explain that on May 1st he and his wife were traveling down the Black Horse Pike and they did hear some music while traveling in the car. He then received two other complaints via phone, one of which was a credible source, where the resident had lived in the area a very long time. The resident did note the noise did not really bother him but it was particularly loud to the point where he had his windows closed and it was difficult to hear the TV in his own house. This person lives in the area of 4th Avenue and what he believes may be happening is when the wind is blowing in the right direction it carries the noise straight across the lake (*the lake will carry sound*). **Cncl. Caligiuri** advised Mr. Elentrio that in the event he receives any more complaints he would contact him personally. He felt the Mr. Elentrio was being very cooperative. Mr. Elentrio then noted if she were to call him directly he would most certainly take care of the problem. Discussion continued.

Solicitor, Charles Fiore then questioned Mr. Elentrio on the complaint that was filed and if it was for nuisance or noise. He responded that it was for noise and the matter is scheduled to be heard on June 14th. The complaint was filed on the Monday after the deck opening party held on May 1st. A back and forth discussion then ensued regarding the use of a meter that measures the decibel reading, if the township had such a device, who was certified to handle this matter (*noise control officer*) and how such a reading could be taken. Mike Burke, Accountant Gloucester County advised of a program through the

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C.) PUBLIC PORTION (cont'd)

county specifically the County Environmental Health Act and one of the items included in this had to do with noise pollution. One of the objectives of the grant was acquisition of a sound level meter, however he was unsure if one had been purchased to date or if the county would subcontract such work.

With no one else wishing to address council members **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

D.) NEW BUSINESS - None

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS - None

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 5/24/11

Cncl. Frank Caligiuri questioned Resolution R:111-2011 Resolution Adjusting Township Of Monroe Tax Records. Specifically the refund in the amount of \$9,654.08 to Williamstown 04, LLC due to a state appeal. **Director of Finance, Jeff Coles** explained there are different levels of property tax appeals and any above \$750,000.00 is handled through the state therefore this matter would not be heard at the local level (*county tax assessor*). **Solicitor, Charles Fiore** indicated this had to deal with a location out along Route 322 (*Industrial Park*) near the public works yard. They had bona fide real estate appraisals reviewed by Bonnie Longo a certified appraiser for the county.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Cncl. Frank Caligiuri questioned Ordinance O:17-2011 An Ordinance Of The Township Council Of The Township Of Monroe To Amend Chapter 230 Of The Code Of The Township Of Monroe Entitled "Peddling And Soliciting" and if there were amendments made for discussion. The Solicitor referred to the additional language included in Section E. There was also a question posed with regard to the requirement for furnishing a social security card. Mr. Fiore explained that we could, in fact, require this document; however, when someone submits an OPRA request or records are being submitted to council members the Clerk must redact that information. **Cncl. Caligiuri** then questioned the content of the ordinance as it

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H.) QUESTIONS REGARDING ORDINANCES (cont'd)

applied to campaigning. Mr. Fiore referred to one particular section §230-13 and the deletion of the word "not" indicating it now reads: *when such canvassing or solicitation **does** involve the sale or attempted sale of merchandise.* **Cncl. William Sebastian** advised council members that this ordinance would be coming back to the ordinance committee meeting for discussion on the fees. The Solicitor noted if there becomes an issue with a conflict on the fees he would follow the fee structure under Chapter 74 as this would not invalidate the entire ordinance.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of May 24, 2011. The motion was seconded by **Cncl. William Sebastian** 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 May 24, 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 _____ Date _____
Approved as corrected _____ Date _____