

**MINUTES
REGULAR COUNCIL MEETING
TOWNSHIP OF MONROE
JULY 26, 2011**

A.) OPENING CEREMONIES

CALL TO ORDER

The Regular Council Meeting of the Township of Monroe was called to order at approximately 8:00 PM by **Cncl. Pres., Marvin Dilks** in the Court 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 (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official publications for Monroe Township (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex.

Cncl. Pres., Marvin Dilks stated the Clerk has placed a sign in sheet at the rear of the Court Room. If anyone would like to address Council during the Public Portion, please sign in and you will be asked to come forward to the microphone. Kindly state your name for the record.

SALUTE TO FLAG - INVOCATION

Cncl. Walter Bryson led the assembly in the Pledge of Allegiance to Our Flag and **Cncl. William Sebastian** offered the Invocation.

ROLL CALL OF TOWNSHIP OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski		Excused
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Marvin Dilks	Present	
Mayor Michael Gabbianelli	Present	
Solicitor, Charles Fiore	Present	
Business Adm., Kevin Heydel	Present	
Engineer, Dave Cella	Present	
Dir. Finance, Jeff Coles	Present	
Dir. Of Code Enforcement, George Reitz	Present	
Dir. Of Public Safety, Jim Smart		Excused
Dir. Of Community Affairs, Cassandra Dilks		Excused
Township Clerk, Susan McCormick	Present	

PRESENTATIONS - None

APPROVAL OF MINUTES

Cncl. William Sebastian made a motion to approve the minutes as submitted of the Council Work Session, Regular Council Meeting and Closed Executive Session of June 28, 2011 and of the Special Council Meeting and Closed Executive Session of July 12, 2011. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

B.) CORRESPONDENCE - None

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C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION

Cncl. Frank Caligiuri made a motion to open the Resolutions Scheduled - Public Portion. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. William Sebastian** made a motion to close the Resolutions Scheduled - Public Portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

Cncl. Walter Bryson made a motion to bracket Resolutions R:129-2011 through R:133-2011 and R:135-2011 through R:138-2011 and to vote upon R:134-2011 individually. The motion was seconded by **Cncl. Daniel Teefy**. It was noted R:131-2011 deals with an appointment to the Open Space Advisory Committee and should also be considered individually.

Frank Caligiuri made a motion to bracket Resolutions R:129-2011 through R:138-2011 with the exception of R:131-2011 and R:134-2011 that would be voted upon individually. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance. Solicitor Fiore read into the record all the bracketed resolutions for Council to vote upon and then Resolutions R:131-2011 and R:134-2011 for Council to vote upon individually.

CONCENT AGENDA

R:129-2011 Resolution Approving The Corrective Action Plan For The 2010 Annual Municipal Audit

R:130-2011 Resolution Canceling Grant Receivable And Appropriation "2006 CDBG - Curbs And Sidewalks"

R:132-2011 Resolution Authorizing The Issuance Of Duplicate Tax Sale Certificate Pursuant To Chapter 99 Of The Public Laws Of 1997

R:133-2011 Resolution Cancelling Tax Sale Certificate Number 00-011

R:135-2011 Resolution Approving The Bill List For The Council Meeting Of July 26, 2011

R:136-2011 Resolution Requesting Approval Of Items Of Revenue And Appropriation N.J.S. 40A:4-87 (*Click It Or Ticket*)

R:137-2011 Resolution Adjusting Township Of Monroe Tax Records

R:138-2011 Resolution Authorizing Closed Executive Session Of The Township Council Of The Township Of Monroe To Discuss Active Litigation Matters (*Active Litigation Matters - Blaze Mill Development v. Monroe Township and McAloon v. Monroe Township*)

Cncl. Frank Caligiuri made a motion to approve Resolutions R:129-2011, R:130-2011, R:132-2011, R:133-2011 and R:135-2011 through R:138-2011. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

R:131-2011 Resolution Appointing Member To The Monroe Township Open Space Advisory Committee

Cncl. Frank Caligiuri made a motion to open nominations for a member to the Monroe Township Open Space Advisory Committee. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

Cncl. Frank Caligiuri nominated **Shawn Massey** as a member of the Open Space Advisory Committee. The nomination was seconded by **Cncl. Pres., Marvin Dilks**.

With no one else wishing to make a nomination **Cncl. Frank Caligiuri** made a motion to close nominations. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

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C.) RESOLUTIONS SCHEDULED - PUBLIC PORTION (cont'd)

**ROLL CALL VOTE TO APPROVE THE NOMINATION OF SHAWN MASSEY AS A
MEMBER OF THE MONROE TOWNSHIP OPEN SPACE ADVISORY COMMITTEE
6 AYES, 1 ABSENT (Garbowski)**

Tally: 6 Ayes, 0 Nays, 0 Abstain, 1 Absent. The nomination of **Shawn Massey** as a member of the Open Space Advisory Committee was duly approved.

R:134-2011 Resolution Of The Township Council Of The Township Of Monroe, In The County Of Gloucester, New Jersey Authorizing The Issuance And Sale Of Tax Anticipation Notes Of The Township Of Monroe In The Principal Amount Of Not To Exceed \$4,500,000; Making Certain Covenants To Effect And Maintain The Exemption Of Interest On Said Notes From Federal Income Taxation; And Authorizing Such Further Actions And Making Such Determinations As May Be Necessary Or Appropriate To Effectuate The Issuance And Sale Of The Notes.

Cncl. William Sebastian made a motion to approve Resolution R:134-2011. The motion was seconded by **Cncl. Walter Bryson**.

**ROLL CALL VOTE TO APPROVE RESOLUTION R:134-2011
6 AYES, 1 ABSENT (Garbowski)**

Tally: 6 Ayes, 0 Nays, 0 Abstain, 1 Absent. Resolution R:134-2011 was duly approved for adoption.

D.) ORDINANCES

Cncl. Pres., Marvin Dilks turned this portion of the meeting over to **Ordinance Committee Chairman, Cncl. William Sebastian**. **Cncl. Pres., Marvin Dilks** made a motion to open the Public Hearing for Ordinances O:18-2011 through O:21-2011 listed on the agenda for Second Reading and Public Hearing. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

Ed Knorr, 1053 N. Tuckahoe Road approached Council regarding Ordinance O:20-2011 "Peddling and Soliciting" and questioned the purpose of the changes. **Solicitor Fiore** explained over the years the peddling and soliciting ordinance has been a subject matter of court review and there has been much discussion and controversy over it since 1988-89. In the 1990's there was an attempt to clarify some of the issues but there were still enforceability issues as the ordinance was vague regarding the number of days a vendor could be at a location, how many uses were permitted on a particular property and whether other business owners, who had an investment in the township, were being taken into consideration. Mr. Fiore noted over the years the ordinance as it existed lost its purpose because the whole idea behind peddling and soliciting was for people driving around in a vehicle selling their wares rather than having a stationary type business. He noted Council discussed the issues and reviewed ordinances from other municipalities in order to clarify and clearly define what the intent of peddling and soliciting is. This ordinance does not prohibit it in the township; it more clearly defines it. It does not allow a residence and a commercial entity on a property because that defeats the purpose of what is permissible according to zoning regulations. He noted the ordinance now falls within the definition of peddling and soliciting in an attempt to be fundamentally fair to all parties, as there are individuals in the township who go through the planning and zoning process, which compels them to incur fees. We now have a proper licensing procedure, the ordinance still conforms to State Statute regarding veteran fee exemptions, it conforms to what we believe is the intent of peddling and soliciting and the ordinance also mirrors many of the other surrounding municipalities. Mr. Fiore noted before the ordinance was changed many mobile entities flocked to Monroe Township because our ordinance was somewhat vague from the enforcement standpoint. The ordinance is now enforceable, still fair, much clearer on what can and cannot be done and is less selective.

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D.) ORDINANCES (cont'd)

Mr. Knorr spoke of previously requesting Council to adopt a "No Knock" ordinance that would prohibit door to door soliciting due to safety concerns. He noted he is not concerned with the people who set up at specific locations but with those that go door to door and he questioned whether this ordinance covers that issue. Mr. Fiore indicated the ordinance deals with that under Section 230-7, as it requires vendors to obtain a license. He explained door to door sales is still permitted because it is questionable as to whether or not, from a constitutional standpoint, someone can be prohibited from soliciting door to door but it can clearly be regulated by requiring a license. **Cncl. Rich DiLucia** explained Mr. Knorr's previous concerns along with concerns regarding the elderly residents of Holiday City being conned had some input during the discussions on this ordinance. He noted the safeguard in the ordinance is that before people can go door to door they must register themselves, their company, identify who the person is soliciting and have a background check done. He felt the township could not entirely take away the right to solicit but can include safeguards into the ordinance to discourage a flimflammer because of the background check requirement. **Cncl. DiLucia** noted residents should contact the police department when solicitors come to their door to see whether that person has a legal right to solicit. Mr. Knorr questioned whether there were any insurance requirements included in the ordinance in case solicitors would damage someone's property. Mr. Fiore noted there are no insurance requirements included, as he felt the township could not regulate that. He indicated he would review that issue and report back to council on it. Mr. Knorr questioned whether this ordinance would be tabled until Mr. Fiore reviewed the issue. Mr. Fiore explained the peddling and soliciting ordinance has already been adopted and Ordinance O:20-2011 would not be tabled at this time, as it only amends the fee portion of the ordinance in order to coordinate it with Chapter 74 ("Fees").

With no one else wishing to speak **Cncl. Daniel Teefy** made a motion to close the Public Hearing. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

O:18-2011 Ordinance Mandating The Connection To The Public Water System And The Sealing Of Potable Wells For Properties Within Williamsburg Village

Second Reading: The above ordinance was published in an official publication for the Township of Monroe. This portion was opened to the public.

Cncl. Daniel Teefy made a motion to approve Ordinance O:18-2011 for Second Reading and Public Hearing. The motion was seconded by **Cncl. Walter Bryson**.

**ROLL CALL VOTE TO APPROVE ORDINANCE O:18-2011
5 AYES, 1 ABSTAIN (Bryson), 1 ABSENT (Garbowski)**

Tally: 5 Ayes, 0 Nays, 1 Abstain, 1 Absent. Ordinance O:18-2011 was duly approved for Second Reading and Public Hearing.

O:19-2011 An Ordinance To Amend Sections 175-113 Of The Zoning Ordinance Of The Township Of Monroe With Regard To Homeowner Associations Within Certain Developments

Second Reading: The above ordinance was published in an official publication for the Township of Monroe. This portion was opened to the public.

Cncl. Daniel Teefy made a motion to approve Ordinance O:19-2011 for Second Reading and Public Hearing. The motion was seconded by **Cncl. Walter Bryson**.

**ROLL CALL VOTE TO APPROVE ORDINANCE O:19-2011
5 AYES, 1 NAY (Caligiuri), 1 ABSENT (Garbowski)**

Tally: 5 Ayes, 1 Nays, 0 Abstain, 1 Absent. Ordinance O:19-2011 was duly approved for Second Reading and Public Hearing.

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D.) ORDINANCES (cont'd)

O:20-2011 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"

Second Reading: The above ordinance was published in an official publication for the Township of Monroe. This portion was opened to the public.

Cncl. Pres., Marvin Dilks made a motion to approve Ordinance O:20-2011 for Second Reading and Public Hearing. The motion was seconded by **Cncl. Frank Caligiuri**.

**ROLL CALL VOTE TO APPROVE ORDINANCE O:20-2011
6 AYES, 1 ABSENT (Garbowski)**

Tally: 6 Ayes, 0 Nays, 0 Abstain, 1 Absent. Ordinance O:20-2011 was duly approved for Second Reading and Public Hearing.

O:21-2011 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"

Second Reading: The above ordinance was published in an official publication for the Township of Monroe. This portion was opened to the public.

Cncl. Daniel Teefy made a motion to approve Ordinance O:21-2011 for Second Reading and Public Hearing. The motion was seconded by **Cncl. Frank Caligiuri**.

**ROLL CALL VOTE TO APPROVE ORDINANCE O:21-2011
6 AYES, 1 ABSENT (Garbowski)**

Tally: 6 Ayes, 0 Nays, 0 Abstain, 1 Absent. Ordinance O:21-2011 was duly approved for Second Reading and Public Hearing.

E.) REPORTS AND OTHER MATTERS

Cncl. Daniel Teefy reported the Parks and Rec Commission does not meet during the months of July and August, however the OEM did meet to discuss how the fireworks event went on July 4th. **Cncl. Teefy** spoke of both political parties working together to try to adopt measures to fix the structure of the State pension and health benefit systems and noted the measures that were put in place will help residents in the future.

Cncl. Frank Caligiuri reported attending the Planning Board Meeting on July 14th when an application was heard for Golden Plaza, LLC, the new owners of L & H Supply. The application was tabled due to the Planning Board requesting the owner to review the parking plan, as it does not conform to our requirements.

Cncl. Walter Bryson reported attending the Municipal Alliance Meeting where discussions took place regarding "National Night Out" that will be held Thursday, August 4th at the Pfeiffer Center. **Cncl. Bryson** urged residents to come out and support this Municipal Alliance Commission and Community Affairs sponsored free event, which includes pony rides, slides, food and entertainment. **Cncl. Bryson** referred to the additional State aid of \$730,000.00 given to our school district and noted he was extremely disappointed the district decided not to utilize that money to reduce school taxes this year. He spoke of sending an e-mail to Michael Hamilton, Board President and read into the record the response he received:

Based upon the governor's history on funding schools in the State of New Jersey, having taken money from our surplus account when he was first elected, then cutting our funding we have to take everything with a skeptical approach. With that in mind we need to be fiscally responsible this year as well as in the future. That being said, the Board had until 4:30 PM last Tuesday to decide if they wanted to apply the additional State aid to this year or next year. This was discussed at the Operations and Finance Meeting and decided, as did most districts in the state, to use the additional aid for tax relieve next year. Only twenty school districts statewide used the aid this year and one of those was Washington Township, over the recommendation of their business administrator to save it for next year. There is also no guarantee that there will be reoccurring aid for 2012-2013.

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

The budget for 2011-2012, which the Township approved, is partially funded by \$1,148,475 in Federal aid for educational jobs. Most likely, we will not have that aid next year and this additional aid will help to offset the need to replace that aid loss with local tax dollars. If this aid is not refunded for the 2012-2013 year, we would have a drop in funding of nearly 2 million dollars between the education job money and this aid.

The decision to apply the additional aid to next year will provide stability in our programs and avoid a tax spike for 2012-2013. Any tax reduced as a result of applying this aid this year could be used as a banked cap to allow those districts to increase their tax increase over the 2% max in 2012-2013.

Cncl. Bryson indicated he disagrees with this and went on to speak of how the State legislature, including the governor, spent time coming up with a program to provide over a hundred million dollars in additional aid that is not being used to reduce taxes now. He noted Council reviewed and cut a minimum from the school budget but later found out about some additional monies in that budget that they were not informed of during the budget meeting. Cncl. Bryson expressed his concerns that New Jersey has the highest property taxes in the country and taxpayers did not benefit from the additional aid the legislature and governor put in place to reduce taxes. He commended the twenty school districts that did utilize the additional aid to reduce property taxes for their residents and noted the way our school district handled this is a good example of why taxpayers are so much against school districts. He urged residents to express their concerns about this by writing letters to the school board president.

Mayor Michael Gabbianelli reported the 4th of July fireworks celebration was very successful and enjoyed by the large crowd in attendance. Tax bills will be mailed approximately August 1st with third quarter taxes due 25 days after the bills are mailed. The tax rate will increase from 2.778 to 2.83 or 1.87%, which means the increase is approximately \$50.00 for every \$100,000.00 of assessed value. The Mayor noted the township is struggling with the economy just like every American family, as we continue to lose revenue from fee collections, state aid is frozen after big reductions last year and the tax collection rate is decreased due to residents having financial problems. He noted the township has a lot of dedicated employees and is one of the few municipalities that have had no layoffs. He explained staffing levels have been reduced through retirement and is now down 40 employees from 2007. The Mayor noted the town keeps growing, which means there is more grass to cut, more basins to maintain, more trash to pickup and that is all being done with less people. Staffing levels within the municipal building are less and we are continuing to look for efficiencies in our operations. He noted we are in difficult times and we must make difficult choices but we will strive to keep our level of services to the residents. The Mayor reported the Little League State Championship Tournament games will be held at the Church Street Complex. He noted hosting this event in our community is exciting for both the Little League organization as well as township officials. Erial is the only local team that will be participating in the double elimination tournament that begins with two games on Friday night and continues with two games on Saturday and two games on Sunday. Our Little League Organization is holding a dinner on Thursday night at the Knights of Columbus for the tournament.

F.) GENERAL PUBLIC DISCUSSION

Cncl. William Sebastian made a motion to open the General Public Discussion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

Ed Knorr, 1053 No. Tuckahoe Road approached Council to address his concerns regarding mercury issues, UV radiation and the electromagnetic fields associated with CF2 compact fluorescent bulbs. Mr. Knorr spoke of the hazards involved with handling and cleaning up the bulbs and requested Council consider adopting a resolution banning them in New Jersey. He gave a demonstration of how the CF2 bulbs should be cleaned up; explaining if one breaks it can contaminate an entire home and the public does not realize that. He noted he also requested the governor to place a ban on the CF2 bulbs. **Cncl. Frank Caligiuri** questioned whether Mr. Knorr knew of any hazards associated with LED lighting. Mr. Knorr noted there is no toxic content in LED lighting. **Cncl. Pres., Dilks** requested Mr. Knorr to

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F.) GENERAL PUBLIC DISCUSSION (cont'd)

draft a resolution in support of banning CF2 bulbs for Council to review. Mr. Knorr questioned whether Council was aware of a comprehensive traffic study being done on Berlin-Cross Keys Road due to the number of traffic accidents on that road. **Cncl. William Sebastian** noted a study was going to be done but the last he heard, the four municipalities involved, Monroe, Washington, Gloucester and Winslow, decided to have more of a police presence on that roadway and will be patrolling it on a rotating basis. Mr. Knorr also expressed his concerns regarding the NJDOP approving the design of Berlin-Cross Keys Road as well as the roundabouts near Rowan University and Camden County College.

Cncl. William Sebastian made a motion to close the General Public Discussion. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

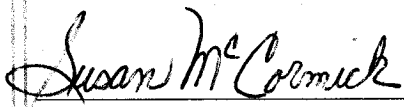
CLOSED SESSION

Solicitor Fiore noted discussion took place in Closed Executive Session regarding the Blaze Mill Settlement Agreement and Council has instructed him to formulate a letter which will summarize all the outstanding issues with the plan that need to be further discussed.

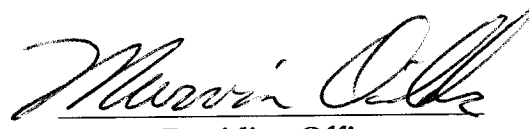
G.) ADJOURNMENT

Cncl. William Sebastian made a motion to adjourn the Regular Council Meeting of July 26, 2011. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

These minutes were prepared from excerpts of the tape-recorded proceedings of the Regular Council Meeting of July 26, 2011 and serve as only a synopsis of the proceedings. 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 8/23/11
Approved as corrected _____ Date _____