

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 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** – Business Administrator, Kevin Heydel led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson		Excused
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		(Arrived 7:45PM)
Eng., Dave Cella	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Community Affairs, Sandy Dilks		Excused
Twp Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

• **Tax Abatement – Romalino**

**CFO, Jeff Coles** explained the Tax Assessor initially certified that all the units in Mr. Romalino's complex should have been billable in 2010. Mr. Romalino questioned this and after reviewing both the agreement and the resolution, it was determined that it says "*upon date of completion*". Mr. Coles noted he contacted the Construction Office and the permits they have were not filed until 2010. **Robert Romalino** explained the project is an eight unit complex that was started in 2005 and includes condo units each having their own block and lot number. He noted when tax abatement was originally explained to him it was presented as if it would go into effect when each individual unit obtained a CO.

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011

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

Initially, four units 1, 2, 3 and 5 were presold and those units obtained CO's in 2008 and were taxed appropriately. Units 4, 6, 7 and 8 were not occupied and did not receive a CO until 2010; however, they have been billed as if they were also completed in 2008, which is incorrect. He noted he didn't realize he was being billed for the completion date of 2008 until he received a 2010 tax bill for the 20% due. Mr. Romalino indicated there appears to be some ambiguity in the language dealing with the date of completion. He explained the building itself received a temporary CO in 2008 for the purpose of units 1, 2, 3 and 5 that were occupied and conducting business. Units 4, 6, 7 and 8 were vacant for the entire time and just received certificates of occupancy in 2010. Mr. Romalino noted his understanding of the language is years 2010 and 2011 would be at 0% and 2012 would be the 20% year for those units. **Cncl. Pres., Dilks** questioned whether the units were completed inside. **Mayor Michael Gabbianelli** questioned how these condo units could be abated for him when he is not the owner of those units. Mr. Romalino indicated he was the owner of three out of the four units and he felt the one unit that was sold should be granted the abatement as well. He presented pictures of units 6, 7 and 8 showing the interior was not completed until 2010. Mayor Gabbianelli questioned whether Mr. Romalino went back to the Building Inspector to request an extension for his building permits. Mr. Romalino indicated he did. He explained the building, itself had a temporary CO issued in 2008, which allowed units 1, 2, 3 and 5 to either be sold or leased. The building operated under that TCO until units 4, 6, 7 and 8 received their COs and then the final items were completed on the building itself and the final CO for the building was issued in 2010. **Cncl. Caligiuri** questioned the condition of the units at the time of sale and whether they had firewalls. Mr. Romalino explained only one unit was sold and it was sold as a completed unit in 2010. He also noted engineering only required one firewall between units 7 and 8. **Cncl. DiLucia** questioned how many units Mr. Romalino owns and rents and how many units have been sold. Mr. Romalino explained he currently owns five units and three have been sold. In 2008 when the first units were sold he was still acting as the builder for units 4, 6, 7 and 8. **Cncl. DiLucia** pointed out that the abatement was to help Mr. Romalino because of the market conditions and he questioned whether the selling and leasing price per square foot are comparable between 2008 and 2010. Mr. Romalino explained the leasing values/rates were based on the fact the abatement was in place. He noted units 1 and 2 sold for \$140.00 per square foot and unit 6, which sold in 2010 sold for \$129.00 per square foot. **Cncl. DiLucia** questioned the price of the leasing. Mr. Romalino explained unit 5 is his own physical therapy company and unit 3 is his own company so those two units would not have an effect. Unit 8 is a daycare center leased at the rate of \$15.00 per square foot so the tenant is absolutely benefiting from the abatement. Her schedule of rent shows year one and two being \$3,350.00 and then it increases to \$3,400.00, \$3,500.00 and up to \$4,400.00, which is consistent with the big jump in taxes when it gets to the 60% assessment. The leasing rate was based upon 0% for two years, 20%, 40%, 60%, 80% and then 100%. **Cncl. DiLucia** questioned whether anything was leased in 2008. Mr. Romalino noted in 2008 nothing was leased, the units were all sold. Mr. Romalino explained \$140.00 per square foot was the original base price for units 1, 2 and 3 that were sold as shells and then additional money was negotiated to retrofit the unit. Unit 6 was sold as a shell at \$130.00 per square foot and the new owner retrofitted it himself. The tax abatement was an incentive to purchase the unit because he was told taxes would not be

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011**

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

paid for two years and without that he may not have made the move from the Weston Suites. **Cncl. Teefy** questioned whether the people that purchased the three units in 2008 applied for tax abatement. **Mr. Romalino** indicated he applied for the tax abatement. **Cncl. Teefy** noted they should have applied within 30 days. **Mr. Romalino** noted his attorney just recently brought that to his attention. **Cncl. Teefy** noted those people owe the township back taxes along with the person who bought the unit in 2010, if he did not apply for abatement. **Cncl. Caligiuri** felt tax abatement went with the land. **Cncl. Teefy** replied not according to the contract. **Cncl. Caligiuri** explained tax abatement is approved by block and lot and what normally goes to one owner is passed on to new owners unless there are special conditions. **Mayor Gabbianelli** spoke of how taxes are paid on properties that are issued a TCO. **Cncl. Sebastian** noted he would like an attorney present to address this issue, as he had some questions. **Mr. Romalino** explained unfortunately the township attorney and his attorney are one and the same and he is the one who prepared the tax abatement application. **Mayor Gabbianelli** indicated he would appoint a conflict attorney if Council wanted one. **Cncl. Caligiuri** noted the reason he is bringing this up is because Peter's Diner was sold and the abatement remained in place. The Mayor felt Peter's abatement remained in place because ownership just transferred from two original owners to one. **Mr. Romalino** noted the language in the agreement states upon project completion and in his mind that means when the individual unit is completed. **Mayor Gabbianelli** explained when he came in for a TCO that meant his project was complete. **Mr. Romalino** disagreed with that; noting a unit is not complete until a CO is issued and units 4, 6, 7 and 8 did not receive a CO until 2010. He noted those units could not go to settlement as they were, as a bank would not accept them. **Cncl. Sebastian** questioned whether two sales took place without a CO. **Mr. Romalino** explained he had an agreement of sale on the shells and there were multiple addendums to those sales as the units were fitted out for the new owners. Once they were completed they went to settlement and he was paid. The agreement of sale for unit 6 was on a shell unit and the proposing buyer handled the fit out of the unit. Settlement and payment took place at the time the unit was finished. **Cncl. Sebastian** noted usually when condo units come before the Zoning Board they are presented by the developer as condo units with an HOA that takes over once the developer is gone and he wasn't sure if commercial development would be handled the same way. **Mayor Gabbianelli** thought that this was not presented as condos it was presented as **Mr. Romalino** would own the building. **Mr. Romalino** indicated it was always planned to be condos. **Cncl. Teefy** noted the word condo was never mentioned in any of the papers and the Planning Board approval says office building. He noted Council gave **Mr. Romalino** tax abatement for lot six and to allow him to lease out the units not sell them. Discussion again took place regarding taxes being paid at the time a TCO is issued and **Mr. Romalino** questioned whether a business was supposed to be operated with a final CO. The Mayor questioned whether he operated his business with a TCO. **Mr. Romalino** indicated the building itself had a TCO so operations could take place there but the occupied units had their final CO. **Mayor Gabbianelli** indicated he would appoint a conflict attorney to handle this matter. **Cncl. Pres. Dilks** noted further discussion would be postponed on this until Council had legal representation and **Mr. Romalino** will be notified when this matter will again be addressed.

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011

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

• **Resolution Authorizing An Alternate Calculation Of The Reserve For Uncollected Taxes Pursuant To *N.J.S.A. 40A-41c(2)***

CFO, **Jeff Coles** explained our tax collection rate dropped dramatically last year due to economic conditions and we are experiencing a problem with the 2011 budget for the reserve for uncollected taxes, which is based upon the tax collection rate of the prior year. There is a law that allows alternate calculations for the tax collection rate, which will ultimately depend on how much we budget for reserve. One calculation is to take the last three years of the collection rate and average them together and the other was to be able to subtract the amounts created from tax appeals that were granted by the County and State. Mr. Coles and the auditor did the calculations both ways and determined that the second method, which was to adjust off the appeals, was in our best interest. That eliminated approximately \$600,000.00 off the amount to be raised by taxation in the 2011 budget. Mr. Coles explained a penny equals \$288,000.00 so that amounted to a lot of money. The Mayor added this will bring us under the cap but the revenue we lost from tax appeals we will never get back. Mr. Coles explained this is not just for one year because next year's collection rate will be based upon the tax amount on the books and since those amounts were wiped off we will not be including them in our calculations. He noted we are also experiencing appeals this year so we may need to adopt this resolution in the following year as well. He explained this is a way the legislature is helping towns. In normal years assessments go up but we experienced a decline last year and may be hit hard again this year. **Cncl. Rich DiLucia** suggested the County be contacted and request to clarify tax appeals that were successfully addressed because the card they sent out is confusing. He explained the County put the 2010 rate at the bottom of the card identifying the old assessment and many people think they are overstated by 10% and may appeal again. He explained the card identifies the 2011 assessment however no one is looking at that, because the assessment was retroactive and the reimbursement was put into one payment and then this year it was spread into quarters. Mr. Coles suggested requesting the County Assessor or Director to attend a meeting to address this issue. **Cncl. DiLucia** felt that would be a good idea because if that card does create confusion those people may apply for another reassessment and may get it because of market values dropping.

• **Calendar Year 2011 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A CAP Bank (*N.J.S.A. 40A:4-45.14*)**

CFO, **Jeff Coles** explained in good years we didn't need to deal with the revenue levy cap on taxes we only had to deal with an appropriations cap, which prevented us from increasing our budget to spend any added assessments that came in. Each year we did this ordinance that allowed us to exceed the CPI and go up to a maximum of the cap ordinance. The levy cap was initially 4% and now it is 2% and the only way we will need this ordinance for the appropriations cap is if a whole lot of money comes in. Mr. Coles explained if we don't adopt this ordinance if we receive a windfall like the \$840,000.00 we received this year we would not have the ability to expand the budget and expend that money if needed. He noted last year when we didn't do this ordinance it took more time to explain to the

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011

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

state why we were not doing it than it would to pass the ordinance. **Cncl. Caligiuri** questioned whether this ordinance was simply precautionary and anything above the 2% cap was subject to Council approval. Mr. Coles advised it was cautionary, that Council approval would be needed for anything over the 2% cap and that he could guaranty we will not be able to exceed the cap.

- **Resolution Awarding A Contract For Professional Services To Adams, Rehmann & Heggan Associates, Inc. For Final Design And Construction Management For Malaga Road And Corkery Lane Intersection Improvements For The Township Of Monroe, County Of Gloucester, State Of New Jersey**

**Solicitor Fiore** distributed the above titled resolution and explained this is a contract for ARH for the final design and construction management for Malaga Road. **Mayor Gabbianelli** explained this deals with the Wal-Mart traffic light. He explained Wal-Mart is paying for this but requested that the township carry the ball because it would get approved faster if the township was the applicant. Council questioned when the project would begin. The Mayor noted they are supposed to break ground on April 1<sup>st</sup> and have just given him the name of the project team from Arkansas that will be handling the project. He noted he will be contacting that team, as they are not putting this building out for bid and he is going to ask if they could include some local companies in project. He explained the contractor may be ones they previously utilized from New York or Maryland who they had success with. Council noted when they did the super Wal-Mart in Washington Township the entire team was from Arkansas and union workers protested with the rats. The Mayor noted this whole building will be built by union and it will be the first super Wal-Mart in the State that is being built from the ground up; the others were all rehabs. **Cncl. Garbowski** noted as part of the agreement sidewalks were to be installed on Constitution Way and he questioned when that would be done. Mayor Gabbianelli advised once the project is started they will get it done whether we install them and get reimbursed or they do the work. **Cncl. Pres., Dilks** polled Council and all were in favor of moving this resolution forward to the Regular Council Meeting. It was noted the resolution would be number R:65-2011.

**C.) PUBLIC PORTION**

**Cncl. Ronald Garbowski** made a motion to open the Public Portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Rich DiLucia** made a motion to close the Public Portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

**D.) NEW BUSINESS - None**

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011**

**E.) OLD BUSINESS - None**

**F.) COMMITTEE REPORTS**

**Cncl. Frank Caligiuri** reported the Budget Committee met on Monday, March 7<sup>th</sup> at 6:30 PM and will reconvene during the week of March 21<sup>st</sup>.

**Cncl. William Sebastian** reported he would be contacting the Public Safety Committee, as he recently had a short meeting with Andy Pease, the new president of the Monroe Township Police Officer's Association, and he would like to readdress an issue that was brought up by the previous president regarding the police department's promotion system. Cncl. Sebastian advised him that as a courtesy the Public Safety Committee would meet with him and his team but we would be standing on the letter we sent that stated that issue would be included in this year's contract negotiations. Officer Pease was trying to do this as a sidebar without opening the contract and Cncl. Sebastian noted he did not want to get into that. Cncl. Sebastian noted the committee will listen to Officer Pease because he had indicated that it may not have been presented the way he thought it should be presented. **Cncl. DiLucia** suggested it be put in writing that this is a "*meet and discuss meeting*" just to protect the committee so it cannot be said that it was part of the collective bargaining process. Cncl. Sebastian agreed he would do that. **Mayor Gabbianelli** questioned whether the entire structure of the Police Department is by ordinance. He noted the ordinance dealing with superior officers is now obsolete and the police department needs to be restructured because we no longer have the manpower to have three captains. The Mayor noted the captain in the Detective Bureau has been eliminated and we actually have no lieutenant in that department either. He suggested council amend the ordinance that established the number of police and their ranks to say there "*may be a maximum*", just in case the department grows in the future when times get better. Cncl. Sebastian noted the reason the number of officers were enumerated was so the council would have a handle on the expenses that were going towards police department salaries because at the time, there were ranks but no numbers and the police department could have made 40 lieutenants. Mayor Gabbianelli noted the administration would make the promotions and would make sure the money was available but now this ordinance has created a monster during these economic times. Cncl. Sebastian advised that matter should be addressed by the Ordinance Committee as it may necessitate the need for an amendment to the ordinance.

**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 3/8/11 - None**

**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 3/8/11**

**Mayor Gabbianelli** spoke of a Supreme Court ruling that stated a municipality can designate a protest zone for people picketing military funerals. He noted we have ten cemeteries, not counting the Veteran's Cemetery, and if protesters want to come here they

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MARCH 8, 2011

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 3/8/11

very well may. However, they will protest in our designated area. He noted he requested the solicitor to look into designating the Pfeiffer Community Center as the protest zone; this would need to be done by way of ordinance. Council questioned whether protesters would be required to obtain a permit and if there would be penalties imposed if the protesters decided to go to the cemetery rather than to the protest zone. **Solicitor Fiore** noted "for the record" the purpose of the ordinance is for the protection of free speech and to follow the law of the United States Supreme Court. He explained this would be handled the same as any other ordinance that allows the municipality to render violations and penalties up to a \$2,000.00 fine, 90 days in jail or community service.

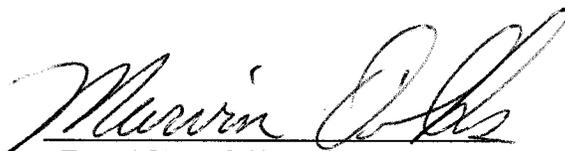
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of March 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 March 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           *SNJ*           Date           3/22/11            
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_