

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 13, 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 7:05 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		Excused
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Marvin G. Dilks, Jr.	Present	
Mayor, Michael Gabbianelli	Present	(Arrived 7:15 PM)
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Chris Rehmann, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz	Present	(Arrived 7:18 PM)
Dir. of Community Affairs, Sandy Dilks		Excused
Deputy Clerk, Sharon Wright	Present	

B.) MATTERS FOR DISCUSSION

• **Fire Apparatus**

Mike Jacobi, Chief of the Williamstown Fire Company questioned whether there were any plans in place for capital purchases, as it has been two years since the department has purchased anything through capital. He explained the operating budget is fine but capital money is needed because the firehouse roof needs repair and normal firefighting equipment such as radios, pagers, gear, air packs, truck upgrades on secondary equipment and an apparatus (*fire truck*) is needed. Council questioned whether Chief Jacobi had a breakdown on how much money was needed. Chief Jacobi advised he has submitted approximately the same capital budget each year. **Business Administrator,**

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B.) MATTERS FOR DISCUSSION (cont'd)

Kevin Heydel explained the fire department had a regular plan in place and were getting between \$25,000.00 and \$30,000.00 every year to upgrade and purchase air packs. More than \$100,000.00 has been spent on them and that had to stop due to the financial conditions of the township. **Cncl. Frank Caligiuri** questioned whether fire safety apparatus is exempt from the cap. Mr. Heydel explained it is outside the 2% cap but the cap is not the issue. The issue is what tax increase will be proposed for the residents during these economic times. **Director of Finance, Jeff Coles** explained we have enough money in the capital improvement fund to spend a million dollars this year and additional money can be put in if Council wants to do an emergency but that depends upon how much they want to raise taxes in future years. We have a \$900,000.00 cap bank due to being under the cap in the two prior years; however, while being under the cap, we still came in at 2% because we were over on the things that were exempt. **Cncl. Caligiuri** questioned whether the fire department purchase could be itemized to show the taxpayer exactly where the money is going. Mr. Coles explained information packets can be sent to the taxpayers but there is no way it can be printed on the tax bill, as that is set by the state. Mr. Heydel explained if a million dollars is spent in capital next year it will be amortized over ten years and we will need \$100,000 to bond for that money since we no longer have cash flow, which means we will pay interest as well. Mr. Coles explained the last few years we have not borrowed long term due to the high cost of borrowing money. To save on interest cost we have been borrowing against ourselves, as we had sufficient cash to do a ten year pay down. This year due to being a little short we went out for short term financing and paid 1% on the money. **Cncl. Caligiuri** requested Chief Jacobi compile a list of the items needed, the relative cost and the longevity of the product, as that would give justification for the purchases. **Cncl. Bryson** recommended the list be prioritized. Chief Jacobi indicated he had the information and will prioritize it prior to meeting with the Public Safety Committee. Council questioned how this fits in with the Cecil Fire Company and whether it was more important to purchase gear or a fire truck. Chief Jacobi noted he did not want to speak for the Cecil Chief but there are some concerns with the apparatus in that department as well. He also noted the gear and air packs are OK due to the department receiving an air pack grant but he needs to know what the overall plan is so they can get back on a regular equipment plan because some equipment has expiration dates. **Cncl. William Sebastian** noted over the years five or six cents of our taxes has been placed in the budget to purchase fire trucks and once those trucks are paid for that money is utilized for something else so the next time a fire truck is needed another penny in taxes is needed. He noted we keep adding pennies to the budget but if we set aside that penny specifically for fire equipment we would not have this problem when a truck is needed. Discussion ensued regarding when the last trucks were purchased and it was noted the new ladder truck was purchased in 2006 and a pumper for Williamstown and one for Cecil were purchased in 2003/2004. **Director of Public Safety, Jim Smart** noted the emergency services departments are not looking for the money tonight but each organization is looking for a long term plan for capital purchases because over the last few years zero has been budgeted for capital. **Cncl. Ronald Garbowski** noted the departments should be budgeting \$25,000/30,000 each year for life safety equipment so firefighters are not going into a fire without the proper equipment. **Cncl. Pres., Dilks** requested Williamstown and Cecil Fire Departments get together to create a priority list to

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B.) MATTERS FOR DISCUSSION (cont'd)

present to the Public Safety Committee, who will then bring it back to Council. Cncl. Caligiuri requested the life cycle cost be included on the priority list. **Cncl. Daniel Teefy** questioned whether a referendum could be put to the voters requesting a penny in taxes be raised for public safety equipment. That money would be set aside in a specific line item just like the Open Space and Rec money is and then as things are purchased and less money is needed that penny could be reduced. **Solicitor Fiore** noted the Open Space Fund is permitted by State Statute and he would check to see if fire/emergency equipment is permitted by statute as well. Mr. Coles explained there is not a statute that permits fire equipment but many smaller townships have a reserve account set up in their capital budget and each year they add money to it so that when there is enough money in the account, a truck can be purchased. **Mayor Gabbianelli** noted his administration and council have been fiscally responsible and have not raided the sidewalk fund or parks and rec fund; but, future administrations may not be so fiscally responsible and decide to spend all that money instead of raising taxes. Cncl. Bryson recommended once the priority list is established capital funds should be bonded to purchase the needed items before interest rates increase.

• **Taxi Cab Driver License – Blue Cab Transportation**

Solicitor Fiore noted Laura Hawkins and Larry Johnston, non-residents of the township submitted applications for taxicab driver's licenses however, according to Chapter 254 Section 3 of the Township Code, which requires taxi drivers license holders to be residents, they would be disqualified. Mr. Fiore noted that requirement was previously waived for two other non-residents and he recommended Council be consistent and issue a license to Laura Hawkins. He felt the language in the ordinance should be readdressed in order to clarify its intent for next year. Mr. Fiore felt that Mr. Johnston is clearly disqualified under the ordinance, as it requires applicants to have a New Jersey Driver's License and he has a permanent address as well as driver's license from Pennsylvania and is only temporarily living in Monroe Township. He also noted Mr. Johnston's temporary address cannot be verified, as no identifying factors verifying that address was submitted and he recommended denying the application on that basis. **Leroy Harris, owner of Blue Cab** explained Mr. Johnston has been living here to take care of his sickly mother and would like to work for him a couple days a week. **Cncl. Pres., Dilks** polled Council regarding issuing Ms. Hawkins a taxicab driver's license and all members were in favor of it. **Cncl. William Sebastian** felt Council should allow anyone with a driver's license, regardless of where the license is from, to drive a cab because a driver's license allows people to drive anywhere in the United States. He felt the ordinance was put in place more for the owners of the business rather than the drivers of the cabs and indicated the Taxi Ordinance will be placed on a future Ordinance Committee agenda, as the Police Department is having problems enforcing portions of it. Mr. Fiore requested in the future, whatever entity is involved in enforcing ordinances be requested to study proposed amendments before Council adopts them because much time has been spent on this ordinance as well as the Peddling and Soliciting Ordinance and now changes are needed in both of them. **Cncl. Walter Bryson** suggested taxicab drivers be required to have a CDL license. Mr. Fiore advised State Statute does not require a CDL for taxicab drivers. Cncl.

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B.) MATTERS FOR DISCUSSION (cont'd)

Pres., Dilks polled Council regarding the application for Mr. Johnston and all members of council were in favor of granting him a taxicab driver's license as they felt everyone with a driver's license should be permitted to drive a cab.

Cncl. Pres., Dilks noted Resolution R:164-2011 was added to the Regular Council meeting agenda and the certification of funds for Resolution R:162-2011 has been provided for Council's review.

Cncl. Frank Caligiuri questioned whether the Standby Letter of Credit for Summerfields West was being reduced to \$236,487.60 or by that amount. **Engineer, Chris Rehmann** noted it is being reduced to \$236,487.60. He explained 30% of the items are being reduced and we still have 120% for the balance of the items.

- **Certificate of Sale for 1800 Glassboro Road**

Solicitor Fiore explained in 2004 a municipal lien in the amount of \$8,500.00 was placed on Block 15401 Lot 22 for the demolition of a building. The lien redemption amount has accumulated to \$27,531.80 and the neighboring property owner of lot 21 has expressed an interest in purchasing the lien. Mr. Fiore explained generally the lien could be assigned however, this particular one is part of our 2011 In-rem foreclosures and we are in the process of foreclosing on that property to obtain ownership of it. Council has two options; the property can be pulled from the In-rem foreclosure action and the lien can be assigned for the redemption amount plus cost or we can proceed with the In-rem foreclosure action and then sell the property at the township land sale.

Cncl. Daniel Teefy made a motion to take the property off the In-rem foreclosure list and assign the lien. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

Solicitor Fiore will prepare the Resolution for the September 27th Regular Council Meeting.

- **Block 1602, Lot 1,16 and 43 – Holiday City**

Solicitor Fiore explained delinquent taxes have been owed for a long period of time on Block 1602, Lots 1, 16 and 43, which are the open space/basin areas owned by the Holiday City Homeowner's Association. The township does not want to foreclose on the basin/open space and the association does not want to pay the taxes so we are at a stalemate on this matter. Mr. Fiore indicated he made Cncl. DiLucia aware of this and he in turn advised representatives from the Holiday City Homeowner's Association in order to get this issue resolved. The township cannot own this property because it is the open space originally approved for the development. **Cncl. Sebastian** questioned whether a lien could be placed on their clubhouse if they do not pay the taxes on that property. Mr. Fiore replied no, as this deals with a lien on the block and lot not on the association. **Cncl. Pres., Dilks** questioned whether there was a reason why they stopped paying the taxes.

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B.) MATTERS FOR DISCUSSION (cont'd)

Mr. Fiore noted the leadership of the association said the former tax collector told them not to pay the taxes and then the property would go out to tax sale. He noted we cannot sell the basins/open space and we do not want to own or maintain open space that no one can utilize. Mr. Fiore explained this matter needs to be resolved because we are paying our county fair share of taxes on it even though we are not collecting taxes from it. The taxes owed are approximately \$6,000.00 and the question is whether we are going to collect those back taxes or zero them out and assess a minimal fee like those charged for other basins in the township. **Cncl. Bryson** questioned how many belonged to the homeowner's association because if there were 1,000 homes the cost would be \$6.00 per home. **Cncl. Frank Caligiuri** suggested Mr. Fiore check to see if there is a deed restriction on the homeowners because they may be required to participate in that association and if so those taxes can be assessed to individual lots. Mr. Fiore indicated he would check into that. **Cncl. Teefty** questioned who cuts the grass in that area. Mr. Fiore advised Holiday City performs all the maintenance of the area.

Mayor Michael Gabbianelli questioned if Council approves Resolution R:162-2011 (*settlement agreement and release between Monroe Township Tax Collector Alma Alexander and Deborah Kearns*) is he required to sign the agreement and if so why because she (*Mrs. Alexander*) was told it was improper when it was done and she should have been chastised for it. Mr. Fiore replied yes, because this is a negotiated settlement. Mayor Gabbianelli indicated he will not sign this agreement and wanted the solicitor to go after the former tax collector for this. Mr. Fiore explained he could not go after her because she was an employee of the township and that was part of the settlement discussion. Mr. Fiore went on to explain that during a Closed Session Meeting a representative from the JIF gave council his assessment of what was happening with this and that as part of the deposition process she would not make a very credible witness. Mr. Fiore noted Council experienced that for themselves. He advised the Mayor that the JIF was paying half of the settlement amount. The Mayor questioned what will happen if he does not sign the agreement. Mr. Fiore explained they could file a motion with the court to enforce it and the township could be required to pay their attorney fees. Mayor Gabbianelli noted he will not sign the agreement.

C.) PUBLIC PORTION

Cncl. William Sebastian 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.

Kathleen Nicolary spoke of how the Shell Station and Main Street Deli are selling a substance called K-2, a synthetic marijuana to minors. She explained this substance is legal but illegal to sell to minors. She spoke of having drug problems with her son, how she sent him away for nine months ago, how she brought this to the Mayor's attention, discussed it with a narcotics agent and how the township is doing nothing about it. She

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C.) PUBLIC PORTION (cont'd)

noted this substance is twice as potent as pot, has made her son go out of his mind while on it and does not show up in a drug test. Ms. Nicolary stated yesterday her dog came out of her son's room with it and she went to the Shell Station and Main Street Deli and went ballistic on the people selling it. While she was there three car loads of under aged kids bought it for \$10.00 a vile. She noted it is kept under the counter at the Shell Station because it is not allowed to be displayed but the Main Street Deli is displaying it. She explained there are no FDA regulations or studies done on it and that it is really bad and caused the death of a kid in Williamstown last year. She noted she has been in drug recovery for years and attends meetings and knows every kid in this town who gets high is not going to Camden; they are buying it right here and it needs to be stopped. She urged the Mayor and Council to put police pressure on the places selling it, as she does not want to bury her son because this town does nothing about it. **Cncl. Daniel Teeffy** noted this lady is the third person within the last month that told him about Main Street Deli and Luke Oil selling substances called Cloud Nine, Happy Hour as well as other names. He noted he spoke to the Chief and he was trying to figure out what is in this substance that it is legal over 18. Ms. Nicolary noted it is also called Budda Bud. **Business Administrator, Kevin Heydel** noted this substance is an herb that does not contain THC. The Police Department sent samples to the State to be analyzed, as legislation was passed in May when the bathing salt issue came up listing various types of ingredients that could be used by kids to get high. Until we get the results back from the State we don't know whether the stuff being sold to the kids is illegal based upon the laws passed in May. Ms. Nicolary noted for kids under 18 its illegal and those places are making more money selling it to kids then they are selling gas; it's like a drug store. **Cncl. Frank Caligiuri** explained the police are regulated and cannot arbitrarily and captiously decide to do something. Ms. Nicolary noted it is illegal to sell to minors and this jurisdiction is doing nothing to enforce that. **Cncl. Bryson** questioned whether Council could list the names of this substance and prohibit it by name from being sold in Monroe Township. Mr. Heydel noted we could never keep up with the names, as they keep changing them. Mr. Fiore noted the township can locally enforce selling to minors but this needs to be addressed at the State level. **Cncl. Teeffy** requested Public Safety Director, Jim Smart to request Chief Smart and one of the Captains to attend a Closed Executive Session to advise Council of what is going on with this. He noted these are the same facilities that are selling single cigarettes to minors and he has noticed how the kid traffic has picked up at the Main Street Deli over the last year or two. Council thanked Ms. Nicolary for bringing this to their attention and noted they will do something about it.

Director of Public Safety, Jim Smart referred to all the water problems in the township after the storms and commended township employees, Mike Calvello and his men as well as the MMUA who worked around the clock for approximately 72 hours pumping water from Prince Avenue and other areas. He noted after many hours of conversation and trying to prove to the State that they owned the property on Rt. 322 they finally after a week came down but not until the township had pumped the water down. Mayor Gabbianelli added hopefully we can recover from FEMA some of the money spent. He spoke of purchasing another pump and of fighting with the County to borrow two pumps that our men had to repair before they worked. He also fought with the County over the

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C.) PUBLIC PORTION (cont'd)

drainage issues on Main Street but after calling the Freeholder Director they came out and pumped the water. He noted the School Board basins have also been hurting us so with the MMUA's help, the township is going to scarify them addressing the worst ones first. The MMUA has the equipment to help us and the School Board purchased 1,000 feet of hose to pump down the basin behind the high school. Mr. Rehmann noted the basin is in the worst spot for a basin, as it sits right on the ridge of the Hospitality Branch drainage basin, Squankum Branch and Scotland Run but because by law recharge facilities must be put in that is where it had to be. He noted when there are thirteen inches of rainfall in one month the infiltration rate out of the basin was just overwhelmed by the amount of water we received. He added we need to find out whether the basin drains at all. Mr. Rehmann noted he was going to give Council recommendations on amendments to the Land Use Code that would require developers to reserve land around their basins prior to getting building permits because we need to guaranty that basins are originally designed properly. Then we will discuss the requirement to have a positive outflow to our wetlands system that does not flood properties/homes downstream. He noted the basin on Prince Avenue should have been designed with a pump facility that would come on after the rain and after the other pipes are empty and the streams are down to normal flow, as that would leave the basin down for the next rain event. Mr. Rehmann noted he is putting together a map showing all the flooding situations and that will be made available to each member of Council to make sure that anything they have gone out to see is included. Everything on that map will be inventoried with a brief description of what the issues are and then we will sit down and decided if we need to do something about it. Mayor Gabbianelli noted we have been inundated with the flooding issues and there has been a lot of overtime that we may not be reimbursed for. He spoke of flooding issues at a Pitman-Downer Road home and Mr. Rehmann explained the elevation of that house should be raised, as water is coming off private property into that yard because there is and has never been drainage conveyance along that County road. Money needs to be spent to do that and to install an intercept ditch but he questioned the public's responsibility to do that. Cncl. Bryson noted there is no drainage on our side of the road but on the other side there are storm drains all the way into Glassboro. At the corner of Glassboro-Cross Keys Road and Pitman-Downer there is only one drain. Mayor Gabbianelli noted we are at the wrong end of the County for them to do anything to help us and he told them that last week.

Cncl. William Sebastian questioned whether Mr. Rehmann was advised about PC Helpers. Mr. Rehmann explained PC Helpers is located on Rt. 322 in the area where Main Street drains and their whole building was flooded. He noted the township will probably be receiving a tort claim notice from them. Solicitor Fiore noted all the flooding cases are potential litigation and the township may try to offer solutions but should never point out the cause. The Mayor noted the MMUA and Mike Calvello will be looking into correcting the situation at PC Helpers on the advice of the engineers. Mr. Rehmann commended Mike for the job he has done to resolve problems that have been here for thirty years.

Cncl. Ronald Garbowski 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.

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D.) NEW BUSINESS

Cncl. Walter Bryson noted he contacted the State and is waiting to hear back from them to see if there is any help available for residents with water issues along Pitman-Downer, Flanagan Avenue and Rex Avenue because the blame keeps going to the farmer and it may not be his fault.

E.) OLD BUSINESS

Cncl. Ronald Garbowski noted tonight was the deadline for submitting purchase requests for the Comcast grant. **Cncl. Dan Teefy** noted he has a \$17,000.00 proposal for a surveillance system that includes a server and cameras for Owens Park. Additional cameras can be added to the server for the Church Street field if there is any money left over. **Cncl. William Sebastian** requested \$10,000.00 from the grant be released to purchase radios for 29 police cars that are sitting because their radios no longer work. Mr. Heydel explained the radios no longer work because the County installed a new antenna and changed their radio frequency due to interference they were receiving from digital signals. Our cars are not compatible to that and we found out five days before the antenna was installed. **Cncl. Pres., Dilks** polled Council and all were in favor of releasing the \$10,000.00 to purchase the radios. **Cncl. Bryson** questioned whether they could be purchase under capital. Mr. Heydel advised capital could not be approved fast enough to get the cars back on the road.

F.) COMMITTEE REPORTS - None

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 9/13/11

Cncl. Frank Caligiuri referred to Resolution R:161-2011 and noted that is equivalent to a loan agreement because it includes interest and since it has no APR listed on that contract it violates the truth in lending requirements. Solicitor Fiore replied there is no truth in lending in a delinquent taxpayer agreement. Truth in lending falls under federal law for commercial lenders. **Cncl. Caligiuri** felt it should be included since interest is involved. Solicitor Fiore requested the resolution be removed from the agenda so he can research the issue. It was noted Resolution R:161-2011 would be removed from the Regular Council Meeting Agenda.

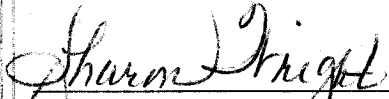
H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 9/13/11 - None

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I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Frank Caligiuri** made a motion to adjourn the Council Work Session of September 13, 2011. The motion was seconded by **Cncl. Ronald Garbowski** and was unanimously approved by all members of Council in attendance.

Respectfully submitted,



Sharon Wright, RMC
Deputy Clerk



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of September 13, 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 _____ AmJ _____ Date 9/27/11
Approved as corrected _____ Date _____