

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
JANUARY 24, 2012**

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

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Frank J. Caligiuri** at approximately 7:02 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. Daniel Teefy led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	(Arrived 7:20PM)
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Frank J. Caligiuri	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

- **Resolution Of The Township Council Of The Township Of Monroe, County Of Gloucester, New Jersey, Authorizing The Preparation And Submission Of An Application To The Local Finance Board Pursuant To *N.J.S.A. 40A:2-51 et. seq.***

**Director of Finance, Jeff Coles** spoke of the application for providing the refunding of \$5,810,000 worth of existing bonds. Our financial advisors have informed the township that we can make application based upon a 3% savings. We met the criteria to make the application the Local Finance Board will not hear this unless the township is realizing those types of savings. Mr. Coles went on to explain over the life of the bond (*with seven years remaining*) we will save approximately over \$200,000.

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

It was the consensus of council members to move this resolution forward to the Regular Council Meeting for approval. It was indicated, for the record, the resolution would be numbered R:45-2012.

- **Refunding Bond Ordinance Providing For The Refunding Of The Township's Outstanding Callable General Obligation Bonds, Series 2003, Dated June 15, 2003; Authorizing The Issuance Of Up To \$6,250,000 Of General Obligation Refunding Bonds Of The Township Of Monroe, County Of Gloucester, New Jersey, To Finance The Costs Thereof; Making Certain Determinations And Covenants In Connection Therewith; And Authorizing Certain Related Actions In Connection With The Foregoing**

**Director of Finance, Jeff Coles** advised this bond ordinance is part of the packet being submitted to the Local Finance Board (*this will be replacing the existing bond*). The \$6,250,000 is greater than the amount of the bonds being replaced because of certain costs involved with the bonding however, the net interest will go down therefore the savings within the bond will be \$200,000 even though there will be additional costs, the overall cost of the bond is less (*the amount paid out of pocket*). **Business Administrator, Kevin Heydel** advised we will be going out for a bond, later on in the year, for our capital improvements. He added with the research being completed for this bonding process we will not have to duplicate that expense when the township decides to go out for the capital improvement bond. **Mayor Gabbianelli** then noted the capital bond would include items such as a fire truck. Mr. Coles then explained we still have existing debt out there we have been paying off one-tenth (1/10) each year and we have paid on that for two years. The remaining debt will be rolled into the new debt that is authorized by council this year. Mr. Heydel noted during the course of the last few years we passed capital ordinances. Last year we passed \$½ million dollars for the library roof and the roof on the municipal building. In the year 2009 there were two ordinances, one for a dump truck and other capital improvements. He then explained the process involved with the funding and repayment. **Cncl. William Sebastian** questioned when work on the municipal building roof would start. The Mayor indicated this "must" be done. Mr. Heydel noted that an RFP must be put together for the construction management and the bid for the project must be prepared. He stressed he must contact a vendor who will work with the lightning rods (*removal/reinstallation*). Mr. Heydel thought perhaps work could commence sometime in the spring and from the estimates obtained so far we should be OK with the funding. The thing that was holding everything up was that we are obtaining air conditioning units from a grant (*obtained through an energy audit conducted last year*) and the old units should be taken out before the roof is installed. Mr. Coles then explained with the way the bonds are being funded (*this year*) we are freeing up \$108,000 worth of appropriations for the pay down that will be pushed off into the new bonds. Then the principal portion of the old bond (*being refunded*) will be extended out over the next seven (7) years. **Mayor Gabbianelli** then noted we have to get what we need. If you were to sit in my office and hear from residents, most of their concerns have to do with services (*trash pick-up, snow removal, etc.*) and we have tightened our belts as much as we could over the last few years. However it is time now to purchase trash trucks, fire equipment, etc. because if we do not do it now we will pay for it later down the road. The consensus of council members was to move forward with the ordinance for 1<sup>st</sup> reading approval at the regular

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

council meeting. It was indicated, for the records, this ordinance would be numbered Ordinance O:06-2012.

- **O:02-2012** 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"

**Cncl. William Sebastian** noted there was a request to add verbiage into the ordinance with respect to the summer camp program. The ordinance as originally drafted included the fees associated with alcoholic beverage license fees. In adding the requested language associated with the fees for summer camp it would alleviate additional advertising and codification expenses. The additional language to be included in the ordinance would read: weekly summer camp registration: \$155. Sibling discount \$140 for any additional child.

**C.) PUBLIC PORTION**

**Cncl. Ron Garbowski** made a motion to open the Public Portion. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

**Obie O'Brien**, 164 Huber Avenue - former Councilman Ward 4, Planning Board Chairman spoke with regard to a resolution (*Resolution R:45-2012*) scheduled on the Regular Council Meeting agenda. The resolution references the township wishing to hire a Planner/Engineer, to assist Township Council in the preparation of the Pinelands Comprehensive Management Plan (CMP), a COAH Compliance Officer to prepare periodic COAH submittals, and a Township Planner for the Township wide zoning and redevelopment projects. Mr. O'Brien noted his problem with this particular resolution is we do have a Planner who is under contract with us (*Planning Board*). Whether or not council decides to use him is totally up to them. Township Council also has an engineer who works for the town (*Chris Rehmman*) and he could perform some these duties. He then spoke with regard to the COAH responsibilities, which he felt, could be turned over to the zoning officer as he would be qualified to perform such duties. He then added this would be totally up to administration. Mr. O'Brien noted to spend any extra money to hire a Planner/Engineer he felt was foolish. He then thanked council members for their time and added he was there to voice his opinion as the Chairman of the Planning Board.

**Cncl. William Sebastian** indicated that he did some research on this and under the Municipal Land Use Law (*MLUL*) requirements, the Planner for the Planning Board is responsible for the zoning and redevelopment as far as it goes into the Master Plan. Whatever this new Planner/Engineer does it would still have to go to the Planner for the planning board for it to be reviewed/critiqued and that planner would give the report to the planning board and the planning board would make a recommendation to this body (*council*). Cncl. Sebastian added that although we have the right to hire anyone to do the job, as Obie said, and I am of the same thought, why would we spend money for a job that is going to be done anyway through the planning board, this is just redundant as far as it relates to the two positions. He then noted that it made no difference with the COAH

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

position. He again noted the MLUL does specify the rights and responsibilities of the planning board and that falls under their purview. He then noted that you could have another engineer, you could have another planner, but you would be doubling the work. Cncl. Sebastian then indicated, in his personal opinion, if we have that kind of money he would rather hire more cops, then have an additional planner doing the same job. He felt at the very least it (*Resolution R:45-2012*) should be removed from the agenda so that council people have a chance to review, for themselves, what the responsibilities are of the individuals and what the costs are going to be.

**Cncl. William Sebastian** made a motion to close the public portion. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance.

**D.) NEW BUSINESS**

***R:45-2012 Resolution of the Township Council of the Township of Monroe Authorizing the Municipal Clerk to Advertise for Request for Proposals for Several Professional Positions for the Year 2012***

**Cncl. Pres., Frank Caligiuri** noted that Resolution R:45-2012 was simply a resolution that would allow the mayor to solicit quotations or RFQ's or proposals for the three positions being discussed (*Planner/Engineer, COAH Compliance Officer, Township Planner for the township wide zoning and redevelopment projects*). **Cncl. Pres., Caligiuri** advised that he, Cncl. Sebastian and the mayor were involved in interviewing a number of people for the position of planner. There is a little bit of history involved that concerns our Planner's overcharges during the beginning of the year 2011 which I caught and requested that he refund. **Cncl. Pres., Caligiuri** noted he had copies of those and there is a question concerning a "conflict of interest" in writing a letter on behalf of a developer as opposed to one of our residents in a private homeowner warranty claim. Moreover, he felt there was a larger problem. He alluded to working for an old German company and all around the building there were signs saying "results, not excuses". He grew up working there and learned that I believe things that I can see with my own eyes and all the other stuff is excuses. **Cncl. Pres., Caligiuri** then noted that he has seen with his own eyes Main Street, in Clayton redeveloped. He has seen, with his own eyes Mantua Township has a shopping center in the middle of two other metropolises and he has seen with his own eyes, over the past ten years that Gloucester Township not only has a shopping Mecca, but they also have their own exit off the Atlantic City Expressway. He then noted he would like to share some other things, so you can see with your own eyes. **Cncl. Pres., Caligiuri** then displayed the Master Plan that was developed in 2004 indicating it was a beautiful book, but since it was developed in 2004 it has been revised about a half-dozen times (*all at our expense*) and just the contract extras to produce this book was \$100,000. He then displayed a copy of the Re-examination to the Master Plan submitted in 2007 (*one example of the many revisions*), the Housing Element to the Master Plan and Fair Share Plan in July, 2005. If our housing plan was bulletproof, for the money we spent for this I don't know how

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D.) NEW BUSINESS (cont'd)

we would ever wind up being sued. He then placed this report on the table with the others mentioned above and noted it was "trash" (*expensive trash*). **Cncl. Pres., Caligiuri** then displayed the Acme Re-development Plan, this obviously was a failure except for the fact that Adams, Rehmann & Heggan was able to develop a finance plan for one-half of this, otherwise it would have been a total failure. He then indicated it was "trash" and placed it on the table. He added our taxpayers paid for this, expensive "trash". He then referred to the Re-development Plan for Mink Lane, a failure; believe what you see with your eyes. He noted this was more "trash", expensive trash and taxpayers paid a lot of money for this "trash". He then added this report to those on the table. **Cncl. Pres., Caligiuri** then displayed a Request for Proposals (RFP) for the Acme Re-development Plan (*more trash*). He then referred to another RFP with not a single bite, it was not economical to build but it was pretty, it was a gorgeous plan but it is "trash". He then displayed a report on Pedestrian Walkways that he included with the prior reports. **Cncl. Pres., Caligiuri** then noted our Planner has charged us a whole lot of money, he is a nice guy, he takes everybody out after planning board meetings and I give him a lot of credit for doing a lot of homework. He continued saying we get elected to public office and we are supposed to not take care of our friends, we are supposed to look at things objectively. We are all human and we want to take care of our friends, we want to make sure that people we have grown accustomed to working with are happy and satisfied and Tim (*Kernan*) was for ten years my friend. I saved his job three times that I know of, for sure. One time I saved his job, it cost me the chairmanship of the Planning Board. **Cncl. Pres., Caligiuri** then noted he spoke with members of the Planning Board two weeks before the Planning Board meeting. He then wished to share some thoughts. He then indicated that he spoke to Jimmy (*Agnesino*) and asked him what his thoughts were after just reviewing all the options. His response was you know the girl is really the better choice but I made a commitment so I am going to nominate Tim. He questioned Mr. Agnesino if he did say this. Mr. Agnesino responded, no sir. **Cncl. Pres., Caligiuri** noted that Bob Hochswinder said it was time for change. Obie O'Brien said to me, I will vote for whoever the mayor wants. He questioned Obie if he said this. Mr. O'Brien responded yes, that is true. Mr. Agnesino then noted what he said was, if Tim does not get the nomination I would definitely vote for the girl because I thought she was the better of the three.

**Cncl. William Sebastian** noted as a "Point of Order" there is more than a quorum of the planning board members in attendance. **Solicitor, Charles Fiore** advised that some members should leave the room due to the sensitivities of the Open Public Meetings Act he would ask some of the members to excuse themselves. Some members in attendance did excuse themselves (*the remaining members did not constitute a quorum*). At that point, Mr. O'Brien indicated, before he left the room, that he did understand where Frank (*Cncl. Caligiuri*) was coming from on some of these things but also with every book (*placed on the table*) that he (*Cncl. Caligiuri*) referred to he was a board member sitting on that board. **Cncl. Sebastian** noted he only spoke because of the problems we had with Rosen and the prosecutor's office. The Solicitor emphatically emphasized there was never a problem with the prosecutor's office, the reporter reported it to the prosecutor's office. **Cncl. Sebastian** indicated (*for clarification purposes*) it was the response from the prosecutor's office, not the prosecutor's office.

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D.) NEW BUSINESS (cont'd)

**Cncl. Pres., Frank Caligiuri** then noted we are being billed by the hour for all these services, worst case scenario, we hire a township wide planner to handle the creation of zoning certain areas. Yes, it would have to go back to the Planning Board Planner for review but we would not have to pay him for re-creation of it all over again. He would merely have to review it. Yes, this is a redundant expense for him to review it, he would possibly take an hour or two to review at \$145.00 per hour, which is a lot more than we already wasted in generating paper that does not produce anything, he then noted it would be a lot less. If somebody had to create a plan that works even just one out of three, then if we had to pay Kernan for two hours to review it, it is worth it because something came out of it. **Cncl. Pres., Caligiuri** noted the only thing he is saying is, at least, allow the Mayor to get quotations to bring before council to show everybody what this is possibly going to cost, that's all, nothing more. The decision is still ours, at the end of the day, whether we want to do this or not. However, to say we would like to close our eyes to all that crap and let it go forward the way it has been going forward we are buying into the same situation. We are saying over the last twenty years, everything is fine. He then noted it is everybody's choice here on how they want to handle this. Again, he reiterated you gotta believe what you see with your own eyes. He sees shopping centers being built in other towns and I see a lot of really expensive excuses why there are no shopping centers here. **Cncl. Pres., Caligiuri** continued and noted we paid a lot of money for really good, plausible excuses. Where I come from I believe in results, not excuses. Things I can see with my own eyes are real, things I can't see with my own eyes are not real.

At this time, **Cncl. Pres., Caligiuri** posed a question to the solicitor. Is the resolution (R:45-2012) legal? **Solicitor, Charles Fiore** responded, yes. He went on to note that any resolution is legal for the most part. Generally speaking, the solicitor questioned, leaving aside the names, leaving aside past performance, what got us here. The purpose of my analysis is to look at whether or not council can legally pass this resolution. I think the analysis is kind of three-fold. The first would be to have an RFP in order to entertain this type of awarding a contract. At a minimum, the number two position on the resolution, that being the COAH Compliance Officer is a necessity. We actually hired one back in 2007 and we have been operating with the COAH service agent for the past three or four years without a contract, this position needs to be funded through the budget. The third point is that you can appoint someone or negotiate a contract and hire someone so long as it is not contrary to state statute. The Planning Board/Zoning Board under the MLUL has the authority to hire planners, engineers, traffic engineers, consultants that would assist them in furtherance of their duties. On the other hand, council also has the ability as well as the mayor would have the ability to hire a consultant and/or professionals that would further both the council and mayoral duties, so long as it was not contrary to any other state statute. Under the redevelopment law, you have the obligation or authorization under the redevelopment statute to develop that plan. It then goes to the planning board who in turn does their review. Certainly, you can hire a consultant, explaining that in the past we hired Bonnie Longo now employed with the county to do a tax analysis for the Stuart Wainberg project, adding this is a type of consultant that we are permitted to hire. Going back to answer the initial question, the resolution is legal as you are asking for RFP's to be entertained. Now, many things must happen after this, the

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D.) NEW BUSINESS (cont'd)

mayor would negotiate the contract, then at some point in time, the mayor would request council to authorize him to execute said contract. Adding, obviously such contract would need to be funded. The solicitor then explained the clear, concise answer is yes, council can adopt the resolution allowing it to go out through the RFP process. In addition, he noted his ultimate concern was that of the COAH Compliance Officer.

**Cncl. William Sebastian** then noted he felt it was unfair to categorize all that "trash" under Tim as the Planner. You could have also categorized it as trash under the engineer and that would have been unfair as well. He continued to say neither of those professionals generate any of that. It comes from the board or the entity they are hired by. The Planning Board directs the Planner to say, I need a master plan revision. Two of the reports referred to earlier are redevelopment zones, that came from this council, this council is at fault for that "trash" because they generated it in the first place. **Cncl. Sebastian** continued saying the point he was trying to make was yes, this stuff was generated by different organizations, it was done as a job by the Planner. The engineer did reports on those same projects (*as referenced above*) and what he did also came out as "trash" because the project did not go. This is no reflection on ARH; it was a job given to them by a particular entity to follow up on. They did the best they could, it just didn't fly! As far as the Master Plan revisions are concerned, they were generated through the Planning Board. This board is the only one that can dictate the changes to be made in the Master Plan. **Cncl. Sebastian** noted that by law every ten years there is to be a review of the Master Plan and you can have a re-examination of it at any time if the Planning Board or council calls for it. He indicated he was not sticking up for an individual he was following the procedures and that is what he was trying to rectify. As far as the billings were concerned **Cncl. Sebastian** noted he looked into this also, and that was over a year ago and the issue was when he (*Kernan*) was made planner last year at their re-organization meeting he was asked to lower his prices and he said he would. He billed at those prices for the new jobs, not for the old jobs already in effect. When he (*Kernan*) was called on that and advised of the fact that everything should changed on January 1<sup>st</sup> he made restitution to both this municipality in the amount of \$200.00 and to the developers in the amount of \$1,200.00, a total of \$1,400.00. **Cncl. Sebastian** then stressed that he looked into this as well because he was not happy when he heard it. The situation was, as explained to him, that he made restitution and everything came back. Additionally, he understood that it was never brought before the Planning Board at the time, a year later it was. If it was such a criminality or a problem a year ago, it should have come up a year ago. **Cncl. Sebastian** also spoke in regard to other municipalities having shopping centers going up, show me one that is in the Pinelands because that is the problem. I am not sticking up for an individual or a cause, I am sticking up for the proper procedure as it relates to this council and the planning board.

**Cncl. Pres., Frank Caligiuri** then distributed copies of the invoices where it shows it was work completed during the calendar year 2011 and also billed in 2011. It was not work done in 2010 and billed in 2011.

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**D.) NEW BUSINESS (cont'd)**

**Mayor Gabbianelli** then stressed, for the record, that he urged the members of the planning board to vote with their brains, not to follow him. **Cncl. Pres., Caligiuri** indicated he did the same. **Mayor Gabbianelli** then indicated that he abstained on the vote for Mr. Kernan, and yes he (*Kernan*) has made some mistakes but I am not going to go there, on that I agree with Frank but when the board voted to keep him, that was it. As far as I was concerned that was the end of it. The mayor then spoke with regard to the COAH Compliance Officer position; we actually just let Tim continue with that. We now need to change this, he would not argue with that. We are in the Pinelands, and that is a major statement, it took eight years to build a Walmart and you cannot blame Tim for all that. We, as a council and mayor had a lot to do with it also. **Cncl. Pres., Caligiuri** then added Hamilton Township is also in the Pinelands but they have a mall. He noted this was only a resolution to allow the mayor to go out for RFP's. **Cncl. William Sebastian** requested a "point of clarification" we are not authorizing the position just authorizing the ability to put in an RFP. If any (*RFP*) are received council would still have to act on a resolution authorizing the mayor to sign a contract. The solicitor added the position must also be funded.

**Cncl. Walter Bryson** spoke relative to the COAH Compliance Officer and relative to the situation where we would want to have an additional planner. He, as a member of council and having quite a few COAH facilities in my area and the potential for more, would like to have an opportunity to interview individuals. He felt this way because the existing COAH person obviously has a little bit to be desired, especially in situations we are dealing with now (*at the current time*). **Cncl. Bryson** added we are dealing with experts from another area who are advising us as to what we need and what we do not need. He noted we are not dealing with our COAH advisor. **Cncl. Bryson** continued saying if we agree to this resolution (*R:45-2012*) that we also have an opportunity to talk with and interview any auxiliary planner who responds to the notice. He explained as he sees it now we have a planner and we will be paying for his services. However, coming from another point of view, it is a very small investment to make sure that what we are doing and the plans we are doing are going to move this township forward and give us something that is really rewarding. He then alluded to his feelings involving the plans that were laid out for a shopping center along the Black Horse Pike where we waited four years for a plan and look what we got. **Cncl. Bryson** then noted that council should have the opportunity to interview those individuals as a full council. **Cncl. Pres., Caligiuri** indicated that was not a problem.

**Cncl. Ronald Garbowski** agreed that this resolution (*R:45-2012*) offers alternative avenues for us to look into as well as to look at various individuals to suit our needs, especially for COAH. He did not think we were tied to anything, he felt it opens the avenues for us not to be tied to one particular person. He agreed with the opportunity to sit down and conduct interviews and it may better the products we are getting.

**Cncl. Daniel Teefy** noted if you listen to everyone at the table there is an opportunity for some change and a new set of eyes looking at things. When you do a Master Plan in 2004 and revisions are done in 2005 and 2007, then obviously you did not get the

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Master Plan right. He indicated he did not feel well doing this (*revisions*) at the time but you must revise it and make it better and hopefully bring some things into town. The idea to do it every ten years perhaps there would be a need to make some adjustments but we were making a lot of adjustments and moving things around. **Cncl. Teefy** felt a new set of eyes is good, he felt it wakes the people up who are doing the job. He added we (*council*) need to look at the Planning Board, and question ourselves on just who is sitting there. When it is time to vote maybe we need some new blood. There have been a lot of things coming out over the years that he did not agree with.

**Cncl. Ronald Garbowski** wanted to point out that what we did get may not all be "trash". Perhaps what we need to do is have a fresh set of eyes look at some of this information, maybe some of it we can use and maybe we will have to start over.

**Cncl. Pres., Frank Caligiuri** stated he was not out to get Tim. The mayor responded by saying, yes you are Frank, right now I believe you are. **Cncl. Pres., Caligiuri** added he was just frustrated at the way things are, things just have not been right. I am one voter, I brought it forth and at the end of the day it is your call.

**Cncl. Marvin Dilks** agreed that we need a new set of eyes to take a look at things. He then posed a question to the solicitor. If we go forward with the RFP process and nothing is done after the proposals are received would we be legally obligated to do anything. The solicitor noted that we would not be legally obligated to do anything, nothing at all.

**Cncl. Rich DiLucia** noted that as a councilperson he does not really have any experience with our planner, as he does not sit on the planning board. He knows him to see but he is not familiar with the level of his work, whether he is competent, incompetent, good, bad or indifferent. The thing that most concerned **Cncl. DiLucia** at this point is the same thing that concerned him when he first got a whisper on this matter. **Cncl. DiLucia** continued noting this is now on the record, when he went and investigated the first thing he did was to pull up the minutes of the planning board meeting. He went on to note those minutes indicate to him that there was (*at least*) a presentation that rose to the level of potential fraud and it was said tonight, that there was a misappropriation or incorrect billing of monies. With this on the record now, I have a problem as a council man because that information was given to the planning board and they are an autonomous body and they voted for it. **Cncl. DiLucia** went on to note the planning board apparently investigated such allegations and whether they did or not they should have. These are serious allegations and I am not going to sit here tonight and ignore them. At a minimum, I am going to call for an investigation to find out whether, in fact, there was a fraudulent billing. He then added that he said this before to Frank, when this comes on the record that I felt duty bound as a council man to not walk out of here and have anybody accuse this council of sweeping things under the rug. It is one thing to say that somebody is incompetent but I am not going to argue with the planning board on that. They voted the way they felt. I am not a member of the planning board and I am not privy to everything good, bad or indifferent. He also noted that he respects every committee and how they vote.

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**Cncl. DiLucia** then indicated at this point in time there are other allegations that I asked for proof of. One in terms of a letter that comports to say that Tim acted on behalf of an insurance company against one of our residents that would have settled a problem on behalf of the township, this is a serious allegation.

**Cncl. DiLucia** noted he did not want to throw this on the solicitor's lap because as far as he felt, he was not comfortable voting for anything now. He then asked that this entire issue be "tabled" and there be some committee formed to conduct an investigation around this whole matter and report back to council on their findings. **Cncl. DiLucia** then stressed he would not sit there and have an allegation of fraud and an allegation of collusion and me act as if I did not hear it. This is now on the record and our residents/everyone can read this record. He stressed he did not feel comfortable and felt it is morally wrong for me to do it. **Cncl. Pres., Caligiuri** then noted that he did not make an allegation he just said that he overbilled us. **Cncl. DiLucia** said to me that is an allegation, if I read the minutes, and the minutes are memorialized. He added he said before there are three (3) emails that are memorialized that you (*Frank*) sent March 24<sup>th</sup> on this issue. Now, to resurrect the issue ten (10) months later after the fact raises the question, why wasn't there action taken then. If there was billing that was done fraudulently, or you believe they were done fraudulently, or we (*council*) believe they were done fraudulently we just can't walk away and say, Oh, a mistake, forget about it. **Cncl. DiLucia** stated he will not do that. He said it before both in private and publicly that as far as he is concerned he wants answers to questions since the matter has been put on the table. **Cncl. DiLucia** indicated his understanding of the other issues one being the COAH position and the other being duplication of costs, these are entirely different issues. **Cncl. DiLucia** noted that as of right now, he would not vote to move this thing forward until he receives some answers. He noted he spoke with the personnel in the planning board office and their position was it was a mistake on billing. His advice was to "table" this thing pending further investigation.

**Cncl. Pres., Frank Caligiuri** then explained the resolution (*R:45-2012*) has nothing to do with whether or not those charges were fraudulent. Again, he reiterated he never said they were fraudulent, he just said they overbilled whether they were accounting errors or whatever. **Cncl. Rich DiLucia** stated again that his question on those resolutions rose to economics, whether we want to pay for duplication of services, and that is an expenditure of funds. If you look at the root origin of this, the root origin of this is for some reason we are not happy with the Planner. To me it is like hiring another chief of police because you don't like the one you have and you pay him as a backup. This is another way of expending money, that Planner should be doing that job. He was speaking on the primary function of the Planner appointed by the planning board and this body does not have a right, legally to overturn the decision of the planning board. **Cncl. DiLucia** then clarified we are speaking of two separate things. He advised he was willing to vote on the COAH position tonight, but he was not willing to vote on the duplication of services because it has financial implications. He was also not willing to let this thing just float out there

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**D.) NEW BUSINESS (cont'd)**

that council didn't look into what he considered serious accusations as council was presented with a bill that purports to be overbilling.

**Cncl. Walter Bryson** agreed that there are two issues involved here. He then questioned if the COAH Compliance Officer could be separated from the language contained in Resolution R:45-2012 so that this matter gets attended to. **Cncl. Pres., Caligiuri** again stressed the resolution is only authorizing a request for RFP's. **Cncl. Bryson** then questioned the solicitor on the procedure needed to look into the matter brought forward by **Cncl. DiLucia**. The solicitor noted it could be investigated through a committee or you can have an outside agency look into it. If you are going to have law enforcement look into it, do not utilize the local entity use an outside agency such as the prosecutor's office if you believe it rises to that level. He felt it does not appear like it rises to that level, he would look at it through a committee. **Solicitor Fiore** then stressed in light of what is going on, please gentlemen no emails regarding any of this. Not even to establish a time for a meeting, if you decide you are going to discuss this matter do not establish an agenda, do nothing via email.

**Cncl. Walter Bryson** felt we should look into the matter brought forward and we should form a committee of council. **Cncl. Pres., Caligiuri** stressed he made no accusations, whatsoever that anybody did anything fraudulent. I just said they were overbilling, that is all I said. If you want to think this was embezzlement, or whatever that is up to you to make that determination.

**Cncl. William Sebastian** then indicated he did not have a problem presenting the resolution as it stands tonight as long as it is only for approval of RFP's as we are not going forward with a position. In doing so, if **Mr. DiLucia** and the other council members wish to move forward with an investigation, if for some reason the investigation finds in favor of the township against the planner we have the RFP's in place to replace those positions. If the investigation proves that there was nothing wrong with what the planner did and we continue to use the planner we are no worse off anyway, we just won't approve hiring another planner.

**Solicitor, Charles Fiore** then spoke as the attorney for the township with both the township and the council as his clients. He then noted you are also my friends and he wanted to stress to everyone that we are on the heels of 2011, being a great year with the Walmart project, the redevelopment and the Local Finance Board approving that plan. He then stated however we move forward let's not waddle in the proverbial mud here, we should pick the issue and move on. **Mr. Fiore** then explained the purpose of the resolution (R:45-2012) and the analysis of such is does council need these consultants in furtherance of their legislative duties. That is the question, all the dressing surrounding it is all personal and we need to rise above the personal aspects, whatever they may be, whatever is motivating whomever. He was clear that he was not judging anyone but his advise was that we need to move forward in a positive sense. Sometimes he is in the middle of things, but his job is to call it objectively and urged council to move forward and if it is over billing fine, but let's not dwell on it. **Mr. Fiore** stressed he was proud of what was accomplished in

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**D.) NEW BUSINESS (cont'd)**

2011 and he knows the many hours that everyone puts into their positions. He, along with other professionals, just wants to see this town move forward.

**Cncl. Walter Bryson** agreed with the sentiments of the solicitor. He felt some of what has been discussed is indeed precipitated by what Mr. Fiore just said. The pressures brought about by whomever are making us become much more sensitive to things that are going on. This is part of our everyday business if we want to go along with this resolution or not. Cncl. Bryson felt with the pressures from the outside he wanted to look on the positive side of things because we have done good things and there is more to do.

**Cncl. Rich DiLucia** stated that at a minimum we have to clear the air going forward. If that means having Tim come in and respond to the issue/problems then that is what we should do. Mayor Gabbianelli felt that was a good idea. **Cncl. DiLucia** noted the crux of the problem is there are some people who are unhappy on the planning board's choice, regardless of what the reason is, there are some unhappy with it. He expressed that he could understand that and certainly the presentation made has some merit to it especially if there is work being done and there is money being paid and we aren't really getting stuff from it. He continued, saying when you categorize stuff as "trash" if in fact you are categorizing something this township paid a large amount of money for as "trash", don't think that is not going to leave this room and cast a shadow on this council in terms of what we do going forward. **Cncl. DiLucia** noted listening to what the solicitor just said, I am trying to find that balance between making this a major catastrophe in light of everything that has transpired, and at least putting this thing to bed. The only thing he could see to do (*and it was his suggestion*), at a minimum, have Tim come in, advise him that council would like to discuss certain things. One being the billing and the other is the letter in support of an insurance company and just exactly what that was all about. At the end of this, I think council would have better understanding about what we should do going forward.

It was the consensus of council members to move forward with the resolution (*R:45-2012*) as scheduled for approval at the regular council meeting.

**Cncl. Rich DiLucia** then requested that Mr. Kernan be available at a meeting to come before council. **Cncl. Pres., Frank Caligiuri** responded that would be done.

**Solicitor, Charles Fiore** advised council the Blaze Mill matter needs to be addressed. It was noted this matter is scheduled for the February 14, 2012 agenda, to be heard in closed session.

**Solicitor, Charles Fiore** indicated he had a draft email policy available for the Ordinance Committee Meeting of February 1, 2012.

**E.) OLD BUSINESS - None**

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**F.) COMMITTEE REPORTS**

**Cncl. William Sebastian** noted a request was made to the Public Safety committee to present facts on their report in conjunction with the purchase of a rescue truck for Cecil. **Cncl. Sebastian** did compile data on this and council members were supplied with a copy of the information. He then advised the number of calls taken by all the organizations and noted the number of rescues for Cecil was four (4) and the number for Monroe Ambulance was twenty-three (23). He explained those numbers are just what is referred to as "in-service calls" where the equipment was pulled off the truck and an actual extrication took place. For example, Monroe Township rescue had eighty-one (81) dispatches but out of that number twenty-three (23) resulted in an actual extrication on thirty-five (35) motor vehicle crashes. In the case of Cecil, there were four (4) times that the vehicle actually pulled equipment. They had a number of calls due to the rescue truck going out with their fire trucks, even if it is a brush fire, they are there but no equipment is pulled off the truck and it is not counted as an "in-service" although it was dispatched. **Cncl. Sebastian** advised he had a full file with pictures of all the fire apparatus for all the mutual aid organizations throughout the county that we use. This includes Collings Lake and their rescue truck. You can see from the report that every municipality has one rescue truck, with the exception of Monroe and Franklinville who is actually listing five (5) but out of the five, four of them are rescue pumpers and one (1) rescue truck. **Cncl. Sebastian** then questioned, there was an announcement at the Cecil Fire banquet that they are getting a new truck. The Mayor advised that he made that announcement, whether it be a pumper (*which they need*) or a pumper rescue truck. He also noted that Director of Code Enforcement, George Reitz was actually out this evening getting quotes on the vehicle. We are now waiting on getting the numbers and when the mayor comes to council with the budget, it will be included under capital improvements.

**Cncl. Walter Bryson** questioned the mayor if the two pumpers for Williamstown Fire Company were included. The mayor indicated yes they were. **Mayor Gabbianelli** stressed we have to do, what we have do. We need fire trucks, we need cops, and we need trash trucks. Regarding the ambulance, we are resolved that when the last ambulance rots out we are out of the ambulance business, we are paying the county for a service we are not using. The rescue is a different scenario.

**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED**

**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED**

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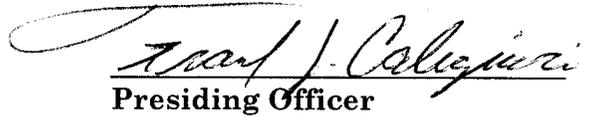
I.) ADJOURNMENT

With nothing further for discussion **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of January 24, 2012. 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 January 24, 2012 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 Am Date 2/14/12  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_