

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
FEBRUARY 14, 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 7:00 PM in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official publications for Monroe Township (i.e.: Gloucester County Times, Courier Post and the Sentinel of Gloucester County). A copy of that notice has been posted on the bulletin board at the Municipal Complex.

SALUTE TO OUR FLAG – **Cncl. Ronald Garbowski** led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy		Excused
Cncl. Pres., Frank J. Caligiuri	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel		Excused
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:10PM)
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

Cncl. Pres., Frank Caligiuri noted the sister of Cncl. Dan Teefy passed away and he asked the members of Council to keep Dan, Linda and their family in their prayers.

Cncl. Pres., Caligiuri apologized to Mike Jacobi, Chief of the Williamstown Fire Department, for his comments during a prior work session about not ever seeing the ladder truck in use. He noted he never wants to offend the volunteers who put their lives on the line for the township and feels they should be given everything they want within reason. He noted he has two different fire chiefs approaching him with different requests and is frustrated because he lives in Cecil and they are not getting anything while Williamstown is. He added he understands that Williamstown may need the equipment more than Cecil but in the course of his frustration he made some remarks that were inappropriate and he wanted to apologize for that.

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B.) MATTERS FOR DISCUSSION

- **Tax Matter – Block 110.0401, Lot 87C**

Tax Collector, Joan Rumpf referred to letters from the tax assessor and homeowner of a COAH property that was not assessed properly for two years and explained that the homeowner is requesting the over assessed taxes in the amount of \$3,013.17 be refunded back to her. Mrs. Rumpf noted whether this money is refunded to the homeowner by way of a resolution is at the discretion of the Mayor and Council. **Cncl. Pres., Caligiuri** questioned whether historically the appropriate action to take is to refund the money. Mrs. Rumpf explained it should be done, as the tax assessor stated in her letter the property was not assessed properly. **Cncl. Bryson** questioned whether the law says a property should be assessed at whatever the value is. Mrs. Rumpf replied that is correct and the law also states a homeowner can appeal taxes by April 1st, which this person did not do when this first took place. Mrs. Rumpf noted she asked the tax assessor if this is the only property assessed incorrectly and was advised that it is the only one they are aware of at this time. The assessor would like a list of all COAH properties to make sure they are all being taxed correctly. **Solicitor Fiore** noted we need to see who is going to be the responsible individual to come up with the list because apparently there is not a master one. The deed on this particular property needs to be reviewed as it should have specific language since it is a COAH property. That will be checked and a master list will be generated and coordinated with the CFO, Tax Collector and the COAH agent in order to deal with these issues in the future. **Cncl. Bryson** questioned what happens when a COAH property is sold. **Mayor Gabbianelli** explained COAH properties have a deed restriction for twenty years and it must be sold as a COAH unit. **Solicitor Fiore** explained in the event a COAH property is sold without specific language in the deed there could be some negative ramifications to the municipality. He noted hopefully when this matter is researched it will be found that the proper language was contained within the deed transferring this particular property to the COAH participant. **Cncl. Bryson** questioned if a COAH property was sold for a greater amount of money could that money be placed in the township COAH fund. **Solicitor Fiore** replied no, legally there is not a mechanism to do that, as the township gets COAH money as a result of properties being developed; not from them being sold with a profit. He recommended the person handling COAH attend a meeting to explain the process to Council. **Cncl. DiLucia** questioned if someone qualifies for a \$75,000.00 COAH property and then in two years they get a job making \$100,000.00 a year, is there a reassessment or a financial mechanism to deal with that. He noted something like that would be pertinent to this matter since this person is asking for a continued reduction of taxes based on a financial measurement that was done at the time of sale. He noted at the least the township should be entitled to an income statement to make sure she still qualifies for that reduction or for twenty years she could have this assessment while making more money than people paying their full property taxes. **Mr. Fiore** noted he did not have that answer and would look into it. **Cncl. Pres., Caligiuri** felt that **Tim Kernan** may have a master list of the COAH properties. **CFO, Jeff Coles** noted we may need to perform a title search to make sure the language is included on the deed. **Mr. Fiore** noted we can go on line and get copies of those deeds through the county. **Cncl. Pres., Caligiuri** noted the price of these homes are based upon income and he questioned if a home sold to a COAH owner for \$75,000.00 could it, in the future, be sold for \$85,000.00 to a

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B.) MATTERS FOR DISCUSSION (cont'd)

person qualifying for COAH at the top end of the income scale, as that original COAH owner would appreciate a capital gain on the property. He questioned whether that could happen and how exactly it would be taxed going forward. Cncl. DiLucia noted he would like to know whether the law says the assessed value can fluctuate with income because if it does, there should be a test on the income of all COAH units before Council makes any decision on this matter. Solicitor Fiore noted he would look into that but he felt the legislature did not build that into the formula. **Mayor Gabbianelli** felt it was like the old Farmers Home Loans, once people qualified they were in. **Cncl. Ronald Garbowski** felt the COAH assessment goes with the twenty year mortgage and the homeowner maintains their qualifications until they sell the property. **Cncl. William Sebastian** questioned how much of the \$3,013.17 was the municipality responsible for, whether the school is going to pay back their 55% and whether the county is going pay their 20%. He noted this was a county assessment but the refund will come out of the township's pocket. Cncl. Pres., Caligiuri questioned the tax collector on whether this was a time sensitive matter. Mrs. Rumpf replied, no and that she will let the homeowner know that this matter is being reviewed. Cncl. Pres., Caligiuri polled Council as to whether this matter should be tabled. The majority of Council wanted to table this issue until Solicitor Fiore could provide additional information.

C.) PUBLIC PORTION

Cncl. Ronald 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.

W. Larry Cooper, Sr. spoke of four affordable houses that were constructed on Oak Street through the median means test that required applicants to have 55% of what the normal means would be to purchase a home in this township. That program was based on twenty-five years and the homes could be sold for a small profit but they must be sold to another affordable housing person. That person would continue those years until it got to the twenty-five year point at which time the house can go to a market value home. He explained he purchased his home through affordable housing for fifteen years. The property is now paid off and he now can sell it for whatever he can get for it. **Cncl. Pres., Caligiuri** questioned what happens if a COAH homeowner becomes ineligible for a COAH property during the time he owns the property. Mr. Cooper explained a means test occurs when a person moves into the house and they can stay there but most people elect to leave and purchase another home.

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

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C.) PUBLIC PORTION (cont'd)

Mayor Gabbianelli noted he inquired about the COAH rental units and found that they are reassessed every four or five years and residents can remain there for that time as long as they abide by all property management regulations. He noted that is also the way the Farmers Home Program was.

Cncl. Pres., Caligiuri spoke of Council receiving a request from the Real Estate Director to provide an evaluation concerning Summer Fields West and noted in the past a precedent was set on how evaluations are issued based on how the property impacts adjacent property values and he felt that should be carried out again. He requested Mr. Fiore verify that for him. Mr. Fiore indicated he has not heard back from the Director of Real Estate, Charlie Able and will follow up on that.

D.) NEW BUSINESS

Cncl. Pres., Caligiuri reported receiving a memo from the Board of Health requesting that a board member who has not been attending meetings be removed by Council and the alternate member, John Fitzgerald be appointed to that position. **Cncl. Garbowski** questioned if the board followed all removal procedures by notifying the individual. **Mayor Gabbianelli** advised the proper procedures were followed by the Board of Health. **Cncl. Pres., Caligiuri** polled Council and all were in favor of moving forward with the appointment. The Clerk noted for the record the resolution appointing a member to the Board of Health would be numbered R:55-2012.

E.) OLD BUSINESS

Cncl. Marvin Dilks questioned the status of Lois Drive and Main Street. **Mayor Gabbianelli** advised the County will be taking care of that, as it was their overlay that caused the drainage problem.

Cncl. Walter Bryson referred to the Historical Society trying to move the old train station back to Williamstown and noted that should be able to be done without Pineland approval if it is moved to a location that already has water and sewer, if it is below 1,000 square feet and is placed on an impervious surface. **Mayor Gabbianelli** noted a representative from the Pinelands will be attending a meeting here next Thursday and he will address this matter with her at that time. **Cncl. Sebastian** felt if the building is small enough it would not fall under Pinelands regulations. **Engineer, Dave Cella** felt we may need to go through the Pinelands because of the age of the building.

Cncl. Pres, Caligiuri requested the Director of Public Safety prepare a very brief, informal report regarding police activities, as required by Chapter 69 of the Township Code. He noted he would appreciate some background information because he has been receiving inquiries from constituents about police activities around town and a brief report would

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E.) OLD BUSINESS (cont'd)

help Council become educated and able to respond to constituents. He gave Director Smart a copy of Chapter 69 and State Statute 40A:118 to review, which addresses this issue.

Cncl. Pres., Caligiuri noted on December 13, 2011 he sent an email to Chief Joe Smart concerning some matters at Chestnut Green and the chief advised him through email that the officers involved were attempting to find a stolen phone but during the course of that investigation they discovered other criminal activities and were also investigating them. Cncl. Caligiuri noted he reported that to his constituents and then they wanted to know what those crimes were, as they were concerned that it could be burglaries or other serious crimes. That information was requested from the Chief by an email on December 13, 2011 but no response was received so a telephone call was then placed to the Chief but no response was received from that either. Cncl. Pres., Caligiuri asked the Director of Public Safety to get him the information about the other criminal activities so he can respond to his constituents. **Public Safety Director Jim Smart** noted he was not copied on any of the emails and this is the first time he is hearing about this since the last time it was discussed with Cncl. Caligiuri. **Cncl. William Sebastian** questioned if the Chief mentioned any ongoing investigations of the crimes they found because sometimes they cannot disclose information. Cncl. Pres., Caligiuri noted he could have responded with it is a nonviolent crime or it is an ongoing investigation but no response is inappropriate. He also spoke of an incident on February 2nd on Green Avenue on which he called the Chief three times during the course of one day and did not get a return call. Finally he called Captain Howard Wiemer and did get a response. Cncl. Pres., Caligiuri noted he is not trying to pick on the Chief, as he is not anti police officer; he just needs some information to give to his constituents. Director Smart noted he saw the speed board on the street so the problem was probably taken care of because that is the first step in determining if there is a true issue. The board is also considered a warning and after that, tickets will be issued. He noted he will confirm that and give Cncl. Pres., Caligiuri the answer.

Cncl. Pres., Caligiuri also spoke of another incident that involved a resident submitting a report to the Police Department on January 19th and of the internal investigation that was done. He noted he has not heard what the status of that is. He noted the particular resident that attended that meeting noticed the meeting was being recorded and sent in an OPRA request to get a copy of the recording but they never received it. **Mayor Gabbianelli** felt that they would not be entitled to OPRA on an investigation. Cncl. Pres., Caligiuri noted if a meeting is recorded they would be entitled to a copy of that recording. **Solicitor Fiore** questioned whether it was a meeting with the complaining party. Cncl. Pres., Caligiuri replied yes. Mr. Fiore questioned whether the OPRA request came through the Clerk's Office. The Clerk explained sometimes OPRA requests go directly to the Police Department. Mr. Fiore explained this may be an internal affairs investigation that may not be subject to OPRA. Cncl. Pres., Caligiuri noted the investigation may not, but the recorded conversation probably would to the people involved in that conversation. Mr. Fiore questioned whether it was a recorded statement from the internal investigation officer investigating the incident. Cncl. Pres., Caligiuri replied that is correct. Mr. Fiore noted the result of that may not be a public record.

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E.) OLD BUSINESS (cont'd)

Mayor Michael Gabbianelli advised the specs for two fire pumpers for the Williamstown Fire Department and one rescue pumper for Cecil have been prepared. One command vehicle for Williamstown Ambulance is also being considered. That vehicle will cost approximately \$30,000.00 and it will be purchased through state contract. The cost of the three fire trucks will be between \$1.1 and \$1.2 million but could possibly be less because of our trade-ins. He also reported Cecil Ambulance will become part of the Monroe Township Ambulance and Rescue Association on March 1st. The Mayor noted the township will go out to bond for these vehicles and the three fire trucks will be packaged together so we have one company providing the equipment. He commended the committee that prepared the specs for doing a great job getting information from various fire truck manufacturers. The trucks will be basic, as most of the fire equipment will be taken from the trucks we now have. The Cecil truck will have fresh air equipment and that equipment is included in the specs. **Cncl. Marvin Dilks** questioned how long it will take to get the trucks once they are ordered. **Director of Code Enforcement, George Reitz** advised it will take 300 days to get them.

Director of Public Safety, Jim Smart questioned the status of the Comcast grant money and when the fire department can start making use of their funds. **CFO, Jeff Coles** explained Council authorized spending through the grant fund and the money has been added to the budget accounts. Items have already been purchased for the Library and Police Department so the money is available. The breakdown of the grant is attached to the resolution and all the departments need to do is put in their requests through a purchase requisition. Mr. Coles noted he or the business administrator can help the department with that process.

Cncl. Walter Bryson questioned what the \$1.1 million represents to taxpayers. Mr. Coles explained the township will go out for long term bonding for the trucks so the cost will be spread out over fifteen years. The bonding cost right now is probably 2.5% or 3%. The Mayor explained we just refinanced our bonds so there will be a big cut in payments in 2018. Mr. Coles explained we will probably backend load this bond and pay the interest up front and then the principal in 2018 when the other bonds die. Discussion took place regarding other items that may be purchased through the capital budget. Mayor Gabbianelli noted a trash truck is being purchased through recycling grants and in order to maintain our fleet/equipment another one will be bonded for. Mr. Coles noted along with the equipment being purchasing we have old authorizations the Mayor and Council authorized over the last couple of years that we haven't bonded monies for. In the budget we have a deferred charge and have been paying down 10% of those appropriations because we didn't know if we were going to do any more debt and they must be paid down within ten years. We have 80% of those authorizations to fund plus the new equipment so we will have a sizeable bond of \$2.5 or \$3 million and should get a good cost. We have already done the preliminary official statement and received our bond rating when the refinancing bond was done so that will save on those costs for the new bond plus the cost of issuing the new

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E.) OLD BUSINESS (cont'd)

bonds should be a lot cheaper since we are doing two issues in one year. **Cncl. DiLucia** questioned whether the estimate was \$90,000.00 to \$100,000.00 in interest payments. **Mr. Coles** explained it depends because the principal will not be paid down until 2018.

F.) COMMITTEE REPORTS

Cncl. William Sebastian reported that he will be away on business for the March 7th Ordinance Committee Meeting and was going to ask former Ordinance Chairman **Cncl. Teefy** to take his place for that meeting. He noted if anyone has anything for that meeting agenda they can contact him until he goes away on March 5th.

G.) QUESTIONS REGARDING RESOLUTION SCHEDULED - 2/14/12

Cncl. Walter Bryson referred to Resolution R:51-2012 that authorized grant funding for sidewalks and noted he would like to see the sidewalk on Constitution Way that has been open for the last fifteen years be covered before the completion of Wal-Mart, as that will make it more convenient for residents to walk there. **Cncl. Pres., Caligiuri** explained that expenditure is under the jurisdiction of the Mayor and that issue should be taken up with him. **Cncl. Bryson** noted he would also like to see, either on the Black Horse Pike or Corkery Lane, a sidewalk to meet the one that will be on Malaga Road. **Mayor Gabbianelli** explained that is all part of Wal-Mart and will be done when they get to that phase of the construction.

Cncl. Pres., Caligiuri referred to the language in R:47-2012 and R:49-2012 stating certified funds will be available in the 2012 budget and questioned whether Council will ever vote upon that. **CFO, Jeff Coles** explained no one was able to provide him with a specific amount for the alternate physician so the funds could not be certified, as a purchase order is issued in the amount of the contract when he certifies funds. He noted when Council votes upon R:47-2012 and R:49-2012 they are saying money will be appropriated within the budget to fund the resolutions. **Solicitor Fiore** explained that language is fine and is the way the resolutions are done every year. **Cncl. Caligiuri** questioned the Mayor on whether we always use these doctors since there are many doctors within Monroe Township. The Mayor replied we have used these doctors for many years. He noted the former Human Resource Officer recommended these doctors because of their working relationship with worker's comp issues and drug testing issues plus their prices were good.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 2/14/12 - None

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I.) ADJOURNMENT

With nothing further for discussion **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of February 14, 2012. The motion was seconded by **Cncl. Ronald Garbowski** 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 February 14, 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 SM Date 2/28/12
Approved as corrected _____ Date _____