

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 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. Marvin Dilks** 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	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	Present	(Arrived 7:50PM)
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

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

**Cncl. Pres., Frank Caligiuri** indicated this matter had previously been discussed at a prior work session meeting and there were several questions posed as to the COAH program involved with this property. **Cncl. Pres., Caligiuri** then questioned how the property was deeded in order to restrict people from selling the property and appreciating a capital gain. **Cncl. Rich DiLucia** then questioned, once a COAH property is sold and there is a price affixed to it and that becomes the assessed value, is there an income test conducted or does the assessment remain that way as long as they own the property. **Planner, Tim Kernan** explained that the individual enjoys the benefit of that reduced

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012

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

price they purchased the property for, and if they choose to sell the property, it is sold at the restricted price, as well. Each year there is generated a new model (*chart*) and the purchase price would go up a little each year. However, the assessment would not change until there would be a revaluation of the entire municipality, then these units would be based on a COAH revaluation. **Cncl. Walter Bryson** then spoke on the assessed value of a COAH unit adding that whatever the value of the house may be, that is where it stays. He explained when an individual purchases a COAH property they must, by law, notify the township when they are going to sell the unit. **Cncl. Bryson** then referred to Chapter 175 of the township code as it refers to COAH and in his opinion, the township needs to delete this entire section and adopt a new ordinance specifically directed at COAH which covers all of their requirements. He then noted some facts on various requirements pertaining to COAH. If a COAH property goes up for sale, there is a ninety (90) day period in which the township is to be notified and during that time we have an option, as a township, to purchase the property at the cost it was originally purchased at. That would also count toward our COAH obligation. **Mr. Kernan** spoke of two (2) properties along Oak Street that changed ownership in the last five years adding his firm was part of the process to make sure the buyers were income qualified and the sale price was under the limit set by COAH. **Cncl. Bryson** then noted a particular situation involving Justin Commons. It seems they should have come to you (*Kernan*) and inquired as to whom in this area were qualified recipients for those rental properties. **Mr. Kernan** indicated we had conversations with them, early on and they said they were qualified on their own to manage and income qualify individuals. He added he has had conversation with the DCA on this and we are comfortable with what they are doing.

**Mayor Gabbianelli** noted the HUD housing through the county is part of our COAH, facilities such as Carino Park. He then questioned whether rental units (*part of HUD*) would qualify under COAH. **Mr. Kernan** then submitted a "Project Summary Report" print out of every unit within the system for Monroe Township. There was a brief discussion on certain items contained within the report, with particular attention to the scattered site information and if it pertained to not only 100% affordable but what about where units may be subsidized, would that count toward our credit. **Mr. Kernan** felt that yes, he believes those units would also count, he will review this and look into that question and report back. **Cncl. Pres., Caligiuri** questioned **Mr. Kernan** on "Country Village at Whitehall" and that he thought this was a buy-out (*it was listed as inclusionary on the report*). **Mr. Kernan** explained the form he presented was how everything was entered back at the end of 2008, when the last plan was sent to COAH (*what was then COAH, now is Local Planning Services*). **Mr. Kernan** explained the change to a buy-out still has to be finalized but the whole plan has been changed and blessed. At the end of the day, it is something that will go through the courts and court master, **Mary Beth Lonergan**. **Cncl. Pres., Caligiuri** questioned if we are still required to submit reports on a periodic basis, and was anything required last year while **Mr. Kernan** was the administrator. **Cncl. Caligiuri** added that they (*COAH*) were in flux as far as their requirements. **Mr. Kernan** stressed everything in the system with regard to COAH is up to date. **Cncl. William Sebastian** referred to an item on the report dealing with Monroe Katz 60, LLC indicating they are no longer in business as Summerfields West brought them out. He questioned if the Planning

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012

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

Board included those fifty-seven (57) homes from Katz when they dealt with Summerfields West. Mr. Kernan noted on that Monroe Katz there is nothing before the board. The Mayor indicated they have not addressed the Katz tract as of yet. Mr. Kernan noted for clarification purposes the reporting for the units is up to date but he has not been involved with the trust fund monitoring for some time.

**Solicitor Fiore** then commented on the subject matter originally brought forward, that being the tax matter for **Block 110.0401, Lot 87C Raphael Court** and what brought this COAH issue to light was the fact that two weeks ago it was brought to our attention by the tax collector. The issue in question was whether or not the township was going to be legally required to refund the overpayment of taxes. At that time we did not have the relevant information to make that determination. He then presented a copy of the deed and in the restrictive covenant it clearly indicated they were COAH properties and have been since day one. Mr. Fiore will prepare a resolution for the next council meeting refunding that overpayment. The Mayor questioned if we had to. The solicitor indicated yes, legally yes, no question. **Cncl. Daniel Teefy** questioned who made the mistake, the county. The solicitor advised he was not sure who was at fault, the deed was recorded in December 2008. The solicitor will look into this issue adding that certainly, the taxpayer cannot be penalized for that. Mr. Kernan then explained he receives a copy of the settlement sheet from closing and this as well as the documents we had prepared is then sent to the township. He indicated he pulled the file for the Raphael Court location and they estimated in reserve they deposited with the lender, two (2) months @ \$156.00 per month, this times twelve (12) months equals approximately \$1800.00 (*estimated taxes at time of closing*) per year which comports with the settlement sheet but she has probably been paying more than that. The solicitor stressed there was an overpayment and there is a need to determine who was responsible to record the deed. **Cncl. Pres., Caligiuri** then commented that when there is a tax collection error, because we are the collecting entity, we normally make the refunds and have our battle with the other entities. **Cncl. Walter Bryson** indicated that in the information sent to council from the solicitor there were three (3) more properties involved and he requested the solicitor to look into these. Mr. Fiore indicated he would direct these inquiries to the tax office as something of this nature falls under the jurisdiction of the tax collector.

**Solicitor, Charles Fiore** then advised a refunding resolution be drawn up and scheduled on the next council meeting agenda. Also, we must verify every COAH property that is listed on the township registry is being assessed properly and the correct amount of taxes is being collected.

**C.) PUBLIC PORTION**

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

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012**

**William Taylor, Director of Technology, Gloucester County** spoke in reference to the tax issue and he offered his assistance to secure information with regard to the tax assessments. Solicitor Fiore noted the question is going to be why did the bump occur and he will contact the county tax assessor to discuss this issue.

**Lisa Nessler, Accountant** on behalf of Rae Anne Chiselko, property owner approached council advising she has been to the county tax assessor office as well as the municipal offices trying to sort out this issue. Initially, they were advised it was a municipality issue, a mistake on the municipality's behalf. Ms. Nessler noted that the homeowner had been incorrectly assessed from the beginning; it was not until things were discovered at the county level that it was assessed correctly. Ms. Chiselko was contacted by her mortgage company sending her a check for all the extra money that was in escrow. She added at some point the figure was corrected and the proper taxes were being paid. Ms. Nessler then offered some background information, explaining Ms. Chiselko was a first time home buyer who resided in Florida at the time of settlement on this property, she was not familiar with the tax statements generated by the township each year. Occasionally, the mortgage payment would go up and all of a sudden she received the check for \$1800.00 and her mortgage went down some \$300.00 per month. Upon review of all the documentation Ms. Nessler then realized what had transpired. Ms. Nessler questioned when Ms. Chiselko should be expecting the refund from the municipality. It was noted the resolution would be scheduled for March 13<sup>th</sup> and then it would take approximately two weeks for the check to be generated.

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.

**D.) NEW BUSINESS**

**Cncl. Pres., Frank Caligiuri** presented, for council's consideration, an ordinance to create the position of COAH liaison. He then spoke on the reasons why he suggested this. Based on his research he felt it would require an ordinance. Cncl. Pres., Caligiuri also distributed a description of the duties of the COAH liaison and in his estimation those duties are significant. He felt that we should not expect anyone to take on those additional responsibilities without a stipend of some type. If you take a look at the responsibilities they are pretty significant. The Mayor noted it was within his discretion to give someone a raise. Cncl. Pres., Caligiuri noted he was not giving anyone a raise he just likes to treat the employees fair. If someone is given additional responsibility, I know I like to be treated fair as an employee and I don't like anybody to steal from me and expect me to do more than I was hired to do, without taking a pay raise. He went on to note that I treat other people the same way I would expect to be treated myself. Because I would never rip anybody off. I would never try to make anyone do anything, in addition to what his or her duties are and expect them to not do so without adequate compensation. He felt a stipend of \$4,000.00 was not going to break a \$31million dollar budget. Cncl. Pres., Caligiuri then respectfully requested Cncl. William Sebastian to schedule this matter for the upcoming ordinance

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012

D.) NEW BUSINESS (cont'd)

committee meeting along with a change in the salary ordinance to create the stipend for the position. At the same time, Cncl. Caligiuri noted the appropriate way to handle filling the position would be to post the responsibilities on the bulletin board and ask any employees interested to kindly submit a letter of interest for the position. **Mayor Gabbianelli** then noted that he did the hiring and the firing questioning Cncl. Pres., Caligiuri if he wanted to take over his job, adding that he continually does this. The Mayor suggested he run for mayor in 2½ years. **Cncl. Pres., Caligiuri** continued saying he felt it was not appropriate to pull a name out of a hat and decide on who it is, he felt it is a good idea to take a look at qualifications, and he never thought it was good to expect someone to do the job for free. He went on to indicate this is a council appointment anyway; we are creating the ordinance. **Mayor Gabbianelli** then advised he has already appointed someone to that position (COAH liaison) so it will be real simple you can give him the \$4,000.00 stipend, and the mayor appreciated that very much. The mayor added this is done, the job/position has already been filled and the employee has been to school. **Cncl. William Sebastian** noted in the ordinance under the statute on COAH, is there not a provision for the stipend to be paid from the COAH account. The response was "yes". Cncl. Sebastian then added the dollars to fund the position is not coming from the general fund it is being paid out of the COAH fund. He then indicated he deferred to what the Mayor was saying because under the Faulkner Act, he is the governing body. **Solicitor Fiore** explained that in the past, the mayor appointed Fred Weikel as the municipal housing liaison. If you look at the Faulkner Act, it defines "governing body" as governing body absent resolution or ordinance it is the Mayor's appointment. When it says by resolution or ordinance "governing body" means the Council. Now, the Faulkner Act was created in 1954, COAH was created in the late '80's and the municipal housing liaison ordinance reeks with Council action. It now conflicts with the Mayor's powers under the Faulkner Act. This is where my position always has that inherent conflict but he must call it the way it is. Mr. Fiore then went on to say it appears to be, under the ordinance and the municipal housing liaison statute that it would be a Council appointment, contrary to what has happened in the past. He explained with the Faulkner Act being created in 1954 every piece of legislation passed after that does not take into account the Faulkner Act. We have had contradictions in many, many appointments and that is the inherent problem here with the municipal housing liaison ordinance and statute versus the Faulkner Act (*which one controls*). Mr. Fiore stated his position would be the municipal housing liaison position is created by ordinance and Council does the appointing. He stressed even though we had the conversation many, many times and, generally speaking, the Mayor is the hiring/firing authority but if you look at the proposed ordinance, it reeks with councilmatic action (*creation of a position*). For clarification, the ordinance being discussed was a proposed ordinance from another municipality. **Cncl. Daniel Teefy** questioned if it was a state statute to have a COAH liaison. The solicitor noted yes, you must have a municipal housing liaison as well as an administrative agent. It was noted we are conforming to what the ordinance says as far the reporting requirements at least through 2008 and Mr. Kernan has been acting as the administrative agent, we have not had anyone in-house doing the regular reporting and entering the specific information. **Cncl. Pres., Caligiuri** noted he was not opposed to the person that was selected for the position of municipal housing liaison. He is a very good person who is highly qualified, he (*Cncl. Caligiuri*) was just attempting to dot all the I's and

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012

D.) NEW BUSINESS (cont'd)

cross all the T's and follow the proper procedure. There was continued discussion on the proposed ordinance and all it should include. This matter will be discussed at a future ordinance committee meeting. It was noted that COAH is now under the title of "Local Planning Services". **Cncl. William Sebastian, Chairman of the Ordinance Committee** noted that our ordinances, in the past, that did address COAH were modeled on examples that came from the state, we did not create anything on our own. Whenever, they came down and said here is a sample ordinance you must have in place in order to have your COAH up to date that is what was approved. Council did not deal as a body to determine our own ordinance as it relates to COAH. Discussion continued.

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS

**Cncl. Pres., Frank Caligiuri** noted he had previously requested the Director of Public Safety, Jim Smart to submit a brief report on calls received by the Police Department. Mr. Smart indicated he submitted the report to the Mayor. The Mayor noted he was advised that under Title 40 the report is to be submitted to him. **Cncl. Pres., Caligiuri** then read an excerpt from Title 40 as it pertains to the submission of such a report. Mayor Gabbianelli referred to the report and indicated it was an actual 2011 Call Summary. The year 2011 is not what the concern was about as he thought **Cncl. Pres., Caligiuri** requested a monthly report which would have started for the month of January, 2012. The Mayor then offered the report to the **Cncl. Pres.**, adding it was a just a call analysis for every incident in 2011 and he felt if we are going to request something of the Chief of Police we should be a bit more specific. Mr. Smart then briefly explained the content of the report and a brief breakdown on the specifics. Mayor Gabbianelli then requested just exactly what type of information **Cncl. Pres., Caligiuri** was requesting so that they could better prepare a report. **Cncl. Pres., Caligiuri** then noted he simply wished to have general information such as a Crime Log that would be fine. **Cncl. William Sebastian** questioned if it was possible to get a monthly report through the 911 dispatch. William Taylor, Director of Technology for Gloucester County advised council members he has been working with Tom Butts from the Department of Emergency Response for the last twelve months on a new computerized dispatching product. The enhancements of the product include a breakdown of the type of incident. The new system will be deployed in approximately two (2) months and it will give you a breakdown geographically (*GIS map*), responders, type of activity, etc. Mr. Butts has worked closely with each Chief of Police on this product to ensure it will be quite an enhanced system. He went on to explain this system would allow Mr. Taylor to work closely with the prosecutor's office as well as the corrections facilities, sheriff offices and municipalities. **Cncl. Sebastian** questioned the system with respect to the HIPPA laws. Mr. Taylor advised how this system was being implemented taking into consideration all those laws and not to invade individual privacy.

MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
FEBRUARY 28, 2012

F.) COMMITTEE REPORTS (cont'd)

**Cncl. Walter Bryson** then voiced his concerns with all the abandoned service stations located along the Black Horse Pike. He questioned what we could do to get these sites cleaned up or at the very least get the buildings knocked down. The mayor indicated he would send the building inspector out to each location. **Cncl. Bryson** noted there is another option, and that would be to fine the owners and make them come into court because this is the only way you have to get the owners in here. We should take an opportunity to start imposing fines because these properties look awful as well as being a safety hazard. This matter will be handled in conjunction with the construction and zoning offices.

**Cncl. Rich DiLucia** spoke on the orientation program presented regarding the new health insurance plans. He spoke specifically on the negotiations with the dental plan (Delta Dental) and indicated the premium would be reduced by approximately \$40,000.00 per year with a two-year contract. Mr. Heydel explained they took the 2011 rates added 3.3% to this figure and that rate was guaranteed for two years, with it roughly coming out to almost a \$40,000.00 savings per year.

G.) QUESTIONS REGARDING RESOLUTION SCHEDULED - 2/28/12 - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 2/28/12 - None

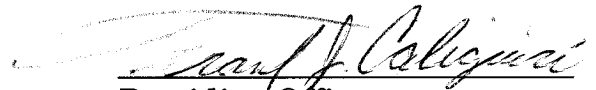
I.) ADJOURNMENT

With nothing further for discussion **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of February 28, 2012. The motion was seconded by **Cncl. Walter Bryson** 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 28, 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                     3/13/12                      
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_