

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 25, 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 7:07 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. Walter Bryson** 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., Chris Rehmann, ARH	Present
Dir. of Finance, Jeff Coles	Present
Dir. of Public Safety, Jim Smart	Present
Dir. of Code Enforcement, George Reitz	Present
Dir. of Public Works, Bob Avis	Present
Municipal Clerk, Susan McCormick	Present

B.) MATTERS FOR DISCUSSION

Cncl. Pres., Frank Caligiuri advised of a minor change in the agenda items scheduled for this evening. Matters for Discussion will be heard after agenda items C through H have been completed.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council. With no one wishing to address council **Cncl. Walter Bryson** made a motion to

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C.) PUBLIC PORTION (cont'd)

close the Public Portion. The motion was seconded by **Cncl. Richard DiLucia** and unanimously approved by all members of Council.

D.) NEW BUSINESS

Solicitor Charles Fiore spoke regarding the Rt. 322/Fries Mill Road intersection. In anticipation of the upcoming Fairness Hearing there were some objections filed by individuals with respect to the Blaze Mill area involving the intersection. Mr. Fiore advised he spoke, personally with Senator Madden regarding the status of the project and he indicated to Mr. Fiore that he would have a status report to mayor and council by the end of the week. The solicitor noted he also spoke with Matt Lyons who in turn spoke with Senator Sweeney. The mayor then advised that Senator Sweeney spoke with Vince Voltaggio, P.E. Director of Engineering, Gloucester County who then contacted Mayor Gabbianelli who advised that a meeting with the director has been scheduled for sometime next month. Those who will be included are Mayor Gabbianelli, Chris Rehmann, ARH and a representative from Land Dimensions.

Cncl. William Sebastian advised council that a gentleman came forward to the Planning/Zoning Office in regard to a request to encroach upon a buffer zone, behind a home that he would like to purchase. Cncl. Sebastian noted in doing some investigation this 25' buffer was found to be township owned property and was placed this way through the Planning Board when the Country Walk subdivision (*Chinkapin*) was approved. In speaking with the mayor and the solicitor this creates a problem due to other residential properties along the same 25' buffer and other problems that could come about due to the approval of such a request as well as it may be setting a bad precedent (*not just this development, but others*). The gentleman who made the request is a state police officer who resides in the township but wishes to purchase the property at 10 Chinkapin Court and the reason this became a matter of urgency is that he has three days to get out of his contract to purchase the house. He was unable to attend the meeting and requested that Cncl. Sebastian bring this forward. Solicitor Fiore noted his concern was with the possibility of any action taken being conceived as arbitrary and capricious. You must have some type of standard criteria and we have no objective criteria that would allow us to deviate from something that an independent board already put into place. There is no way of regulating or controlling this and no way of preventing someone else from requesting it at another development at some point in time. It was the recommendation of the solicitor not to move forward with this request. It was the consensus of council members to take no action on this matter. **Cncl. Sebastian** will contact the individual and advise him of council's decision.

Cncl. Ronald Garbowski questioned Business Administrator, Kevin Heydel on a complaint he received from the library committee concerning some problems with the roof at the facility. Mr. Heydel acknowledged that he was in contact with Beth Lillie, Director of the Library and reviewed the warranty indicating that it was a one-year warranty on workmanship and a 20-year from the manufacturer. He advised he met Ms. Lillie and explained the warranty and advised her anything dealing with the roof, to follow the

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D.) NEW BUSINESS (cont'd)

warranty and call the manufacturer or the installer. **Cncl. Garbowski** requested for someone other than Ms. Lillie to be contacting the warranty companies, etc. Mr. Heydel noted that he would take care of any matters with the roof repairs (*open seams, etc*).

Cncl. Walter Bryson spoke of a public safety issue within the Forest Hills development dealing with sidewalks at the corner of Buttonwood/Holly Pkwy. He questioned if there were monies available in the sidewalk fund because that corner has a retention basin. The mayor indicated he would have someone check into this and if it is our property we should maintain it. **Director of Public Works, Bob Avis** was directed to have this matter addressed.

E.) OLD BUSINESS

Cncl. Ronald Garbowski directed his question to the mayor as he was requested by The Road Company to approach him with respect to the sidewalk installation. The mayor noted when the time was appropriate he will address this. He explained they are nowhere near ready for sidewalk installation, as they will not be opened for six months or so.

Cncl. William Sebastian referenced a resolution scheduled for approval (**R:172-2012 A Resolution Of The Township Council Of The Township Of Monroe Authorizing A Waiver And Reimbursement Of Construction Permit Fees For The Road Company Theatre Group, Inc.**). He then advised The Road Company Theatre Group will be coming before the Zoning Board of Adjustment for a use variance with regard to the installation of an LED sign (*marquee in front of building*) and they were also seeking relief on the fees as far as the zoning board is concerned. **Cncl. Sebastian** questioned if this resolution would cover the same. The solicitor indicated the resolution would not cover this, each waiver is based upon a specific permit number and they (*Road Company*) would have to submit a separate request.

F.) COMMITTEE REPORTS

Director of Public Safety, Jim Smart spoke in reference to a letter received by **Cncl. Pres., Caligiuri** and included in the minutes of the work session for September 11, 2012 regarding ambulance services. He did, as requested by **Cncl. Pres., Caligiuri**, take a look into the validity of it. **Mr. Smart** advised he pulled the paperwork with regard to the runs/numbers. He emphasized that the number of calls we take for a short period of time (*August 18th thru September 18th*) were somewhat staggering. He spoke of mutual aid calls. He then explained they could not treat the letter because we were unable to go back to the person, as the letter was not signed. There was only a small amount of limited research that could be done, that being pulling the tallies. **Mr. Smart** indicated the number of calls for one month totaled 344 calls, 154 career staff, and 190 volunteer. **Cncl. Sebastian** explained he has all the calls stored on his smart phone and they are timed. You can see if

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F.) COMMITTEE REPORTS (cont'd)

there are three or four calls within minutes of each other. He also spoke of mutual aid and how this can work both ways.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Cncl. Pres., Frank Caligiuri noted that Resolution R:175-2012 (*closed executive session*) scheduled for the regular council meeting agenda had been removed.

Cncl. Walter Bryson questioned Resolution R:169-2012 (*A Resolution Consenting To The Proposed Water Quality Management (WQM) Plan Amendment Entitled: Gloucester County Non-Consolidated District Wastewater Management Plan (WMP) Proposed Amendment To The Tri-County Water Quality Management Plan (WQMP)*). He requested clarification on just what a non-consolidated district was. **Cncl. William Sebastian** attempted to explain that a non-consolidated district is an area that doesn't use just their own water, they bring water in from outside. Just as we do not take care of our own wastewater, it goes to Camden County. It is the same thing; it is an interaction between more than just our municipality. **Engineer, Dave Cella** noted this was a reasonable theory although he did not have an answer. He did say however that non-consolidated, meaning the Township of Monroe or MUA is handling their portion, someone else is handling their portion and the flows are now coming together non-consolidated (*more than one entity contributing to the inflow*).

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Solicitor, Charles Fiore spoke of Ordinance O:26-2012 and O:27-2012 being self-explanatory with the exception of additional language being added to O:26-2012 because initially the police draft suggested that we remove the entire **§4-84. Division of Police**. This would have defeated the purpose of the code, as you still need to have the Division of Police under the Department of Public Safety. Mr. Fiore advised that O:27-2012 is the entirely drafted new ordinance under **§69 Entitled "Police, Division Of"**. He then referred to O:28-2012 that deals with the background checks for the Township Sponsored or Co-sponsored Recreation and Sports Programs **§4-94**. Jim Bonder had some concerns with **Section II B** where it refers to a thirty-day grace period. He questioned if someone would become ineligible if they do not have their finger-printing done within that 30 day period. Mr. Fiore advised if there was to be a problem with the 30 day period it would not present a problem. Mr. Fiore then referred to **Section II D** and a question from Mr. Bonder concerning the fees. Mr. Fiore then indicated that Greg Wolfe, on behalf of the police department, had some concerns over the review process that involves a panel of three individuals (*Chief, Business Administrator & one other*). Based upon his involvement he was concerned about the inability to convene a committee of three people in a timely fashion. Mr. Fiore indicated that he did not perceive this as being a problem because you need some fundamental fairness, you need to leave in that committee of three as the Chief is the one that originally approves or disapproves, if someone appeals to the Chief he **can't**

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H.) QUESTIONS *(cont'd)*

be the appeal board as well. Mr. Fiore felt this would not be a major problem or over burdensome process.

MATTERS FOR DISCUSSION

- **Towing List**

Solicitor, Charles Fiore indicated by way of background we were advised through Special Counsel regarding current litigation involving the towing list some concerns brought up during the deposition process. Mr. Fiore stressed, without getting into the merits of the litigation, *(as this was not the appropriate forum)* there were two towers currently on the list that came up with some potential issues with respect to their final approvals and the like. The Solicitor's office notified the two individuals *(via mail)* to come forward this evening, to address the letter and to address the concerns and outstanding issues and pending violations referable to their properties. Mr. Fiore advised he had conversation with both Mr. Atack and Mr. Stalba regarding the status. They both received copies of their violation notices. Mr. Fiore indicated the best way to proceed was to have one or the other address council as to where they are as far as the violation and the approval process. It was noted there were representatives present from Construction and Zoning to address questions with regard to the approval process, if needed. The Solicitor then explained that at this time council members can decide whether to table the matter and request further information, remove the towers from the list if not satisfied with their response, or allow them to move forward, that you are satisfied with their responses.

Tom Atack, Cecil Collision approached council and advised he had received the letter regarding the violation on the building. He indicated he has a personal storage structure adding he has received all the approvals from the zoning officer. The Solicitor questioned if everything included in the violation letter had been addressed. Mr. Atack advised that everything has been done. **Zoning Officer, Fred Weikel** indicated that was correct. **Construction Code Official, Jim Morrison** indicated that everything had been completed yesterday. The solicitor noted all violations have been addressed and he thanked Mr. Atack for coming in and cooperating. **Mr. Atack** requested to say a few words regarding the merits of being placed on the towing list. He noted it has been a blessing to him not only financially but just getting to know some of the police officers, as there are some very good guys out there. Mr. Atack also noted that working together with the other towers is just great. It is nice that at 2:00AM in the morning you can call someone saying you need help and these guys don't ask why, they say where. They work together, as a team, helping each other out and the whole experience has been a blessing.

Solicitor, Charles Fiore advised with construction and zoning being here verifying he *(Mr. Atack)* is in compliance, as well as the gentleman here verifying this also, that council would need to take no action at this time.

Tom Stalba, A&A Auto Salvage gave council some background on his violation. He noted the violation was regarding Soils Conservation. He also indicated that ARH

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requires some final landscaping to done. Mr. Stalba noted upon receipt of the letter sent from Mr. Fiore's office he has been back and forth with both Mr. Weikel and Mr. Morrison working on this. He placed the money in escrow for ARH to come out and perform their inspection and this has been completed. In the meantime, Soils advised Mr. Stalba that it would require another \$2,000.00 for an application, which back in 2003 was only at a cost of \$600.00. Since then he has been in contact with that department and spoke with Senator Madden on this to see if there was any help available. Mr. Stalba also advised that he has hired an engineer and he is in the process of moving along with this issue. This will take a little bit of time to get the soils conservation people taken care of, as they want a soil erosion plan completed. He explained he was handling this file and he thought this was all done when he received complete compliance from the township. He explained all he did (*permits, etc.*) when he put the building up and expanded the property. Mr. Stalba when receiving the letter was a bit surprised as he thought in receiving complete compliance through the township, the process was complete. He stated to council that he is in the process of getting this done. **Mr. Fiore** noted that he did receive a call from Mr. Stalba asking what it was he was to produce. He did produce a letter from a letter from a professional engineer that he has retained for services to perform the soil conservation review. Mr. Fiore did request a timeframe on this as this would be very important. Mr. Stalba advised he (*engineer*) would be on this right away. However, it will take some time because by the time he completes all the work and sends it to Soil Conservation for their approval there is no way of knowing how long this would take.

Solicitor Fiore then explained that Mr. Stalba went through the process in 2003, and questioned since then have there been any other structures or substantial changes to the property. Mr. Stalba noted there has been some change as he has added storage. Mr. Fiore questioned Mr. Morrison on any safety or construction issues that would raise concern. Mr. Morrison indicated no and went on to explain a building inspector was at the location approximately three months ago and there were no changes to constitute any health, safety or welfare concerns. Mr. Fiore then questioned Mr. Weikel if there were any issues of concern from his area. Mr. Weikel responded that he did not. He then requested to make some clarification on the comments made on the approvals/compliance from the township. Mr. Weikel explained his compliance was strictly for the site work on the new structure. It is after this that he goes for the CO which spins off the soil conservation. Mr. Weikel does not do a compliance involving soils. This may have caused some miscommunication.

Mr. Stalba noted he has been serving the township in the capacity of a tower since 1990 and there has never been any problems with his service and he would like to continue on the towing list. He is working very hard on this matter and he hoped that council members would see his side. **Solicitor Fiore** then noted that he did not want council's decision to be influenced, in any way, shape, or form by the potential litigation that is going on. We have always exercised a policy of trying to be fair and consistent. Mr. Fiore explained the reasons for his questions adding that the gentleman is certainly trying. This is a document issue. It is not construction of a new structure and there does not appear to be any public safety issues. In fairness, perhaps have Mr. Stalba come back with a status report.

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Cncl. William Sebastian noted he was not friendly with any of these people, but he does know them from his work with the ambulance squad. He then wanted clarification on an issue from the solicitor. **Cncl. Sebastian** then noted it is a fact that if they (*individuals*) are before a board (*zoning, planning, etc.*) trying to become proper no action can be taken either for or against that individual while they are going through the application process. The solicitor explained that is the philosophy of the municipality, generally that is the rule of thumb that everyone follows. **Cncl. Sebastian** noted in this case it does not involve a board, it involves council and in his opinion, he felt Mr. Stalba deserved the same privilege that we would give to a person coming before a board. He is trying to rectify the situation, we should not be taking action for or against, and he wanted to put this on the record before council took any action. The solicitor noted it is displaying fairness across the board to everyone.

Cncl. Richard DiLucia indicated he would be in agreement as long as there is a progress report submitted on a monthly basis by Mr. Stalba. **Director of Code Enforcement, George Reitz** spoke in support of Mr. Stalba adding that when he conducts his inspections for the Junkyards it is probably the number one yard in the township. It is spotless and there is never a problem.

Cncl. Pres., Frank Caligiuri asked if council had any reason to remove either Cecil Collision or A & A Auto Salvage from the towing list. It was the consensus of council that "NO" there was no reason to remove either from the list.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. William Sebastian** made a motion to adjourn the Council Work Session of September 25, 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 September 25, 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 *SMJ* Date 10/9/12
Approved as corrected _____ Date _____