

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
OCTOBER 9, 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 7:05 PM in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

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

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

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson		Excused
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		Excused
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **4H Nature Preserve – Cell Tower**

Cncl. Pres., Frank Caligiuri referred to a letter dated October 9, 2012 from Solicitor Charles Fiore with regard to the above referenced reading the letter into the record. *It has been brought to my attention that Tom Butz, Coordinator for Gloucester County Emergency Response/Emergency Management, has contacted the Township regarding placing a cell tower within the municipality. It is my further understanding that one of the properties being considered for same is the Gloucester County 4H property located on the Black Horse Pike, Block 6001, Lots p/o19 & 20. With that being said, I want to bring to your attention Resolution R:87-2010 which transferred said property to the Gloucester*

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B.) MATTERS FOR DISCUSSION (cont'd)

County 4H Association to preserve the open space for the residents of the Township. I am enclosing a copy of same for your ease of reference. As you see from the last paragraph on the first page of the resolution, "the Gloucester County 4H Association....agrees not to encumber said property without the express written consent of the Township of Monroe". Therefore, pursuant to this paragraph, if in the event the Gloucester County 4H decides to place the cell tower on their property, they will need to get the governing body's consent and a resolution will need to be adopted as to same.

Cncl. Pres., Caligiuri then proceeded to give some background information on the cell tower installation. He explained the relevant location for the cell tower is in the front of the property on the far eastern side. By Pinelands regulations, the tower must be less than 200 feet tall, the guide wires coming from the tower will extend to the central tower eighty (80) feet in all directions so that the footprint would be essentially a 160 foot square. At this point, the 4H Association remains neutral on the subject and has requested additional information. **Cncl. Pres., Caligiuri** noted the potential revenue from the tower is derived from the fact that the Pinelands Commission requires them to build a platform that can accommodate up to six (6) individual antennas. The reason this is required is so that there is not an antenna farm located in the Pinelands. It is likely that independent cell carriers will locate on that tower as well and the arrangement that Gloucester County typically had with the owner of the property is that they derived their revenue from the commercial towers (*negotiate a percentage*). If council would be in favor of putting together a resolution for approval, **Cncl. Pres., Caligiuri** would like to make sure there is a provision included stating that any revenue derived from the cell towers is spent exclusively in Monroe Township. He then explained the reason why he would like this done is to make sure it does not go into the general budget for the 4H Association to use to offset any expenses in Mullica Hill and so we can push forward with progress at the Monroe facility (*a revenue stream they can depend on*).

Cncl. William Sebastian questioned if you can earmark that money in the general fund to go to 4H. The solicitor indicated, not in our general fund, as we are not going to receive the money, 4H will. **Cncl. Sebastian** then questioned if the revenue/profit derived by 4H is taxable. The solicitor noted he would not offer a tax opinion; but it may affect their status as a 501C3. Discussion continued on this matter.

Cncl. Ronald Garbowski questioned if the tower would be for County Emergency Services. **Cncl. Pres., Caligiuri** explained it is a county communications tower for emergency management. However, because of Pinelands regulations, they have to incorporate a platform on that tower and if a cell carrier locates there obviously, they are going to pay some kind of rental payment to Gloucester County (*owners of the tower*). The arrangement has been when that happens Gloucester County splits some of the revenue with the property owner (*4H*) and this has been done in other areas. **Cncl. Garbowski** then questioned if this would help us out with some of our communications problems. **Business Administrator, Kevin Heydel** indicated that yes, this would help.

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Cncl. Pres., Caligiuri noted he would like to have a resolution drafted for the next regular council meeting scheduled for Tuesday, October 23rd. He also added the tax liability is their responsibility, not ours. The solicitor noted even if they lose their 501C3 status this is a tax issue that 4H must deal with. It has nothing to do with the municipality; we are not taxing them as a 501C3 as this status is granted through the IRS. He explained any profits they generate would be used to sustain their business. **Cncl. Pres., Caligiuri** again noted that contained within the draft resolution should be verbiage indicating that any revenue generated should be exclusively for the development of the Monroe Township property. The solicitor indicated to be consistent with the prior resolution (R:87-2010) verbiage to the effect (*if in the event the property would revert back to the township any profits that would be shared with 4H, will then be shared with the township*). Mr. Fiore will prepare the resolution for the October 23rd regular council meeting.

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 in attendance.

Bill Taylor - Liaison for Gloucester County & Director of Technology was in attendance to field any questions on matters having to do with the county. **Cncl. William Sebastian** questioned what was going on with the 700 band. Mr. Taylor indicated that was being addressed through Tom Butts with the Office of Emergency Management. Presently, the current project underway is the creation of a new back up site for 911 that will be located in Mt. Royal. Included in this process Mr. Butz has introduced a new product for computer aided dispatch, this going from the old green screen (*IBM*) to a web based product. He spoke of the amount of money necessary to initiate the 700 band and the Freeholders are working in conjunction with Mr. Butz on this. **Cncl. Sebastian** noted there was a time limit imposed for the 700 band. Mr. Taylor noted that Gloucester County 911 along with Mr. Butz are always ahead of the curve as we are the footprint for the counties throughout New Jersey as far as dispatching, NCIC, mobile data, etc. As soon as the Freeholders put the money together, Mr. Butz will initiate the process. There was continued discussion on the timeline involved with the band and how it does get extended from time to time but at some time there will be a definite date put into place.

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

D.) NEW BUSINESS

Cncl. Ronald Garbowski advised that he received an email from a resident at 2206 Exposition Drive (*Amberleigh*) with concerns on the maintenance of the vacant lots (*high grass, litter, etc.*). A complaint was sent to the Board of Health and also there has been damage to a cable TV line. It seems Comcast ran new cable across the ground and it has been left for several weeks now. **Solicitor, Charles Fiore** advised there are about

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D.) NEW BUSINESS (cont'd)

four (4) buildings left for construction and he continued to report on the status of the bonds in place. He spoke with the attorney for the bonding company, as well as, a representative from DeLuca Homes, who is building out the project. He noted we are very close to having the agreement finalized so that the bonding company will go in there are complete the paving, the repairs to the sidewalk and curbing, tree plantings, installation of streetlights and completion of the basin work. He then indicated with the agreement not being finalized that there was no need for Resolution R:178-2012 and requested this be removed from the agenda as there was no need for a closed session. He explained there will be a landscape buffer installed between the single family units and the town houses, this will finally be resolved through the bonding company. Mr. Fiore went on to explain the status of various developments throughout the township where we are looking into drawing upon the bonds. Most notable was one for the Federal Hill development, where we will be drawing on a performance bond where they have not started the project with the exception of the paving and the curbing. It looks like this project will never be built out.

Cncl. Frank Caligiuri questioned Dave Cella, ARH regarding a survey for the original 4H property that was owned by the Mahalik family. Mr. Cella noted all he has come upon was a deed description that was done by Mr. Rehmann. Mr. Fiore advised that there probably is no survey due to the property being obtained through a tax sale foreclosure. Mr. Rehmann did the legal description and he may have had the old legal description and bifurcated it somehow, without a survey. In fact, there may not be a legal survey for this property, which reflects the subdivision. **Cncl. Pres., Caligiuri** noted there was a survey done on this and he requested that the engineer locate it and he requested a copy of the full size survey.

It was noted, for the record, that Resolution R:178-2012 was removed from the regular council meeting agenda.

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS - None

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Cncl. Pres., Frank Caligiuri noted the addition of two (2) resolutions:

R:179-2012 Resolution Authorizing The Execution Of A Change Order For Campbell Supply Co., LLC In The Increased Amount Of \$2,550.00 for One 2013 Rescue Engine With 1500 GPM Pump, Two 2013 1500 GPM Pump Engines And One Stationary High Pressure Compressor And Purification System For The Monroe Township Fire Station Within The Township Of Monroe.

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R:180-2012 Resolution Authorizing The Execution Of A Change Order For M.D. Remodeling, LLC In The Increased Amount Not To Exceed \$2,380.00 For Partial Roof Re-Coating For The Cecil Firehouse Within The Township Of Monroe.

Business Administrator, Kevin Heydel went on to explain the need for each. These resolutions will be acted upon at the regular council meeting.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Solicitor, Charles Fiore referred to Ordinance O:28-2012 (An Ordinance To Amend Chapter 4 Of The Code Of The Township Of Monroe, Entitled "Administrative Code", Article XIA, Department Of Parks And Recreation, Section 94, Criminal History Background Checks Concerning Township Sponsored Or Co-Sponsored Recreation And Sports Programs (N.J.S.A. 15A:3A-1 Et Seq.) He noted it was his understanding that there is an addition/revision to Section II *Request for Criminal History Record Background Checks; cost*. There will be a separate section added that states: *If a person's criminal history background check reveals a conviction of a disqualifying crime or offense as specified in subsection III below, said person is ineligible to coach until approved by the following as set forth in subsection III.* The Solicitor explained this was not a substantial change in the ordinance and the verbiage will be read into the record when the second reading of the ordinance takes place at the regular council meeting.

Solicitor Fiore then referred to Ordinance O:27-2012 (An Ordinance To Amend Chapter 69 Of The Code Of The Township Of Monroe, Entitled "Police, Division Of") explaining language contained within the ordinance that is pretty straight forward and should not be misconstrued. *"Upon promotion or attrition of said position of Corporal, the number of patrolman will increase by the proportionate decrease of corporals."*

Business Administrator, Kevin Heydel referred to the Salary Ordinance O:29-2012 (An Ordinance To Amend The Code Of The Township Of Monroe Fixing And Establishing Salaries And Rates Of Compensation Of Officers And Employees Of The Township Of Monroe, In The County Of Gloucester, State Of New Jersey) scheduled on the agenda for first reading. He indicated a change to the end salary for the Multiple Dwelling Inspector title. Mr. Heydel noted that was changed back to the original figure as this was not the correct title, the correct title for the position he was referring to was actually Code Enforcement Officer and the salary for the particular position falls within the range, as it already exists.

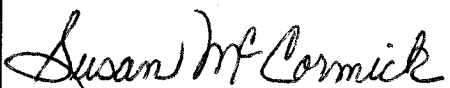
Cncl. Daniel Teefy referred to the Youth Sports Advisory Board and how they are in need of a secretary and the handbook is silent as to compensation for this position. The solicitor advised that you could address this through the bylaws of the organization as that board should appoint the secretary and that board should decide how this position should be paid. This is not a township board, it is a separate board and they would have to decide, internally how this would be funded.

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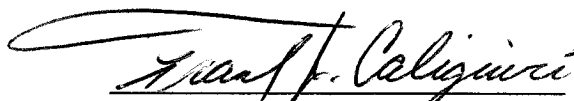
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of October 9, 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 October 9, 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 10/23/12
Approved as corrected _____ Date _____