MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 27, 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 7:10 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	
Cncl. Marvin Dilks		Excused
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	
Engineer, Dave Cella, 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	

- **Waiver of Raffle License Fees – Williamstown Fire Company No.1**

Cncl. Pres., Frank Caligiuri noted there had been a request from Williamstown Fire Company No. 1 to waive the required raffle license fee for their raffle being held on June 8, 2013. All state permit fees have been submitted, this waiver only refers to the municipal fees.

The consensus of council was to move the waiver request forward for approval *(under Correspondence portion)* at the regular council meeting.

B.) MATTERS FOR DISCUSSION

- **Inspection Summary – Current Towing List**

Solicitor Charles Fiore indicated there was a report generated by **Officer, Mark Burton – MTPD Traffic Division** as a result of the normal application process and review that takes place with respect to the towing ordinance. The upcoming towing list for 2013 is scheduled for formal action at the 1st regular council meeting in December, which is consistent with our current ordinance. The summary provided by Officer Burton is simply for informational purposes, it does not need to be discussed this evening, it appears on the agenda so that council members are aware that the inspections did take place and if there are any deficiencies that they are so noted on the summary. Again, formal action on the towing list will take place at the December 11th regular council meeting.

Cncl. Pres., Frank Caligiuri inquired if there were, in fact, any deficiencies. Officer Burton indicated that yes, there were deficiencies in both the applications and inspections. Cncl. Pres., Caligiuri then questioned if those towing companies with deficiencies were able/willing to correct such deficiencies. Officer Burton replied that most of the deficiencies were similar to ones that in previous years were passed through and I had not responded back to them as he was waiting on some type of correspondence from the council or the director. **Solicitor Fiore** noted our ordinance contains an application process, everyone has been operating under this ordinance for the last four/five years. As this was somewhat of a new ordinance there was some leeway permitted in the past and he did not feel it was incumbent upon anyone *(or even included in the ordinance)* that we are required to contact the towers regarding any type of deficiency. He stressed everyone is now aware of what the requirements are in the ordinance. **Cncl. Pres., Caligiuri** questioned if the towers are aware of their own particular deficiencies. The Solicitor indicated no, they wouldn't be as there is no requirement in our ordinance they be notified. They are required to apply; they know what the process is. In the past, we have been very liberal in interpreting it, based upon the fact it was a new ordinance. We are now four or five years into this ordinance and we are not obligated to contact them regarding their deficiencies. Obviously, they know there was an inspection done and they applied for it. They are all business people and they can contact the director or someone in the township to find out what their deficiencies are. The Solicitor again stressed that we *(township)* are not obligated to contact them. Again, these are the same things that cropped up last year, with one of the issues being *"insurance notification"*. He explained that under the ordinance there is a fifteen (15) day requirement for cancellation of insurance. Last year some of the towers indicated that their insurance carriers said, by law, you are not permitted to do this. However, some of the towers were able to secure this information. The towers were aware of this last year and it was liberally interpreted, as there had been some changes. Mr. Fiore stressed that it is incumbent upon them to find the insurance that adheres to the township code. The Solicitor advised that he was not going to recommend that we deviate, at any point in time, from the township code. The township code states *"shall"* and we "shall". This is a new day and we need to follow the ordinance.

Mayor Gabbianelli then questioned what will happen if they *(towers)* cannot get the insurance with the fifteen day requirement included. Mr. Fiore noted if that was the

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

case, then frankly they cannot meet the requirements of the ordinance and they should not be included on the list for 2013. He advised there are towers who satisfy this requirement so there are carriers out there who do generate the fifteen (15) day notification period. Again stressing our ordinance indicates "shall". Last year it may have been interpreted differently because there were kind of diminuous infractions, if you will, this was based upon my recommendation due to the fact it was a new ordinance. Now being four or five years into it, we now understand all the deep intricacies of the ordinance.

Cncl. Walter Bryson questioned Officer Burton if any kind of a report with respect to the Inspection Summary was given to the towing entities. Officer Burton responded that the application process must be completed and submitted by November 1st of each year. It is basically the same packet that has been in existence for a couple of years. The applications are received at various times and ultimately are delivered to the Traffic Division. Sometime after November 1st there is a review done and the findings are sent to the Chief of Police, Captain Weimer and the Director of Public Safety. Copies were distributed to the Mayor, Council and the Clerk's Office. Officer Burton noted that he does not return anything to the towers after they submit their applications. **Cncl. Bryson** then questioned if more than ten (10) towers applied. Officer Burton responded that we currently have nine (9) the 10th is off the list *(Midway)* there was an outside tower from Blackwood who submitted an application that was not near complete and as per our ordinance they do not fall under the guidelines of having the facility or the ability to work in our town.

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.

Anne Hinnegan – 1107 N. Tuckahoe Road requested clarification from the Solicitor. She questioned if the first week of December is when the decision is made on who is going to be on the tow list, whether they were negligent or not. Mr. Fiore explained the standard of review is not negligence. The standard is going to be whether or not they comply with the ordinance. Officer Burton will pass on his recommendation to the Director who will then recommend who the successful applicants are to be on the towing list for 2013. At that time council members will vote.

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

D.) NEW BUSINESS

Solicitor Charles Fiore advised council members that action will be taken this evening with respect to drawing upon the Performance Bond for Federal Hill. The

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

insurance carrier has been placed on notice. Federal Hill is the project where the roadway and some infrastructure was installed, however no homes have been constructed. This measure is to attempt to do what is necessary to clean up the area and batten down the hatches. The Solicitor advised he received nothing official with respect to them pulling out of the project, just by de facto it seems they are pulling out as there is no activity there, whatsoever. The Mayor then added we are in the process of cleaning up *(call in bonds, etc.)* projects throughout the township. **Cncl. William Sebastian** questioned just what constitutes the clean up, is it to be returned to pristine condition. The Solicitor noted this was a good question, this is the first development where the extent of the improvements consisted of roads and some storm sewers being placed. To be quite honest, what they will do is cut the grass, maintain and clean up any type of nuisances and it will remain in that fashion until some other developer buys it. **Cncl. Daniel Teefy** questioned if the street running through the development can be used. The Solicitor noted it is not a public street and it should not be used. The Solicitor also noted this is a new area for us and it is the first time we are dealing with a subdivision that has not even commenced being built out. We need to put some safety measures into place, perhaps barriers of some kind can be placed in the area so that the street is not being used as a cut through. Mr. Fiore then went on to advise what could be required/requested at this point. He explained that this was an isolated situation but unfortunately, it is a result of the economy. Developers, in this town and others, went belly up and this happens to be one where they started the project. Some of the partners involved with Federal Hill were former partners from Group 10 and they were permitted to receive preliminary approval, under the MLUL, and pre sold the lots and then came in for final. He stressed this is allowed under the law to operate in this fashion. The Solicitor explained the only guarantee the township has is that the bonds are in place and they are viable bonds recognized by the New Jersey Department of Insurance. This gives the municipality the mechanism to clean up the project, make sure it is safe and void from any hazards. **Engineer, Dave Cella** indicated that the infrastructure as it pertains to the MMUA bonds is not yet approved. Mr. Fiore will reach out to the solicitor for the MMUA and determine what is transpiring in regard to their bonds. Discussion continued on various items dealing with the bonds.

E.) OLD BUSINESS

Cncl. Walter Bryson spoke with regard to installation of sidewalks in the Forest Hills development in the area of Buttonwood/Holly Parkway. He also noted there was some type of incident at this location and he would like to see some work scheduled on this. **Director of Public Works, Bob Avis** indicated that Mike Calvello is working on this, the police report has been received. The Mayor then noted he took a look at this and there is a flat area, just like anyone else has that does not have to install sidewalk. The question is do we spend the money, as it is a major piece of concrete work. The Mayor indicated he would look at the area again but it is not a priority at this time. **Cncl. Bryson** then questioned the balance of the sidewalk fund and indicated he will continue to keep questioning the mayor on this matter.

Engineer, Dave Cella advised he had a conference call with the engineer and the construction manager for Walmart. One of the major issues still outstanding had to do with the landscaping not having been completed. Mr. Cella was advised this will be done within the next few weeks, the plantings are on order and have been released. There still remain a couple of issues dealing with landowners on Constitution Drive that must be resolved. The major issue is one having to do with the placement of the trees. The mayor advised he spoke with the county on this and the trees can be planted in the county right of way as there is a large area encompassed within that right of away.

Cncl. Pres., Frank Caligiuri made honorable mention of the attendance of distinguished guest, **Councilman Giancarlo D'Orazio** of Washington Township.

F.) COMMITTEE REPORTS

Cncl. Richard DiLucia reported on the Finance Committee's *(DiLucia, Bryson, Dilks)* meeting with representatives of the Gloucester County Tax Assessor's office. He explained the committee was requested, by Council President, to get an interpretation of the **Monroe Township Compliance Plan for Tax Year 2013**. Cncl. DiLucia went on to explain that by the time the meeting took place the plan had already been approved by the state on November 15th. He wished to make known that this was a done deal before we ever sat down. He then went on to speak of the timeline involved with this matter as notification was sent to the township on October 10th but the entire content was not received in the Clerk's Office until November 5th. Cncl. DiLucia went on to admit that prior to this meeting he was not familiar with a compliance plan or what it involved, other than it dealt with assessments. He referred to figures given to the township by people who work in the county assessor's office. Last year, there were approximately 600-650 people who applied for and successfully received a reassessment on their properties. He added there were 500 the year before with an unprecedented number of 900 plus this year. Cncl. DiLucia explained last year's reassessment cost the municipality a little over 1% *(1.12%)* of revenue which we were able to address/handle and still kept our budget cap under 2%. Apparently, by law they *(county assessor)* have the authority to put into place this Compliance Plan as long as it does not affect more than 50% of the taxable structures. He believed, for the purpose of the meeting that took place, they were referring to residential structures *(emphasizing clarification on this was needed)*. He continued speaking on what they *(county assessor)* proposed to do with regard to the communities that were included in the information/graph submitted in the Compliance Plan. He went on to explain that as long as they are presently looking at less than 50% for re-eval purposes, they can impose this process. Cncl. DiLucia stressed that he would explain the process as it was presented to the committee as best he could. There are 4800 households that will probably get some form of reduction in their taxes. If you take the remaining houses *(about 60%)* they will get no reduction. A question was posed to the county representatives if those residents that did not get a reduction were entitled to file an appeal in April, 2013 since these reductions are going to appear on the mailing that takes place in February, 2013. Cncl. DiLucia noted you can file an appeal, but the assessor's present at the meeting indicated that they felt confident anyone that filed an appeal would not prevail because they did such a good job with this Plan. At the end of the process, there will be a net reduction in revenue of 4½%.

F.) COMMITTEE REPORTS *(cont'd)*

This means that every person who did not receive a reduction in their taxes will experience a 4½% increase without any new money that the municipality may need to operate. Keeping our budget cap under 2% going forward with everything we are looking at is a stretch. He stressed these are the numbers from the county and we are looking at taxing 60% of the residents a minimum of 6½% going forward. The people who do receive a reduction are to get various and sundry reductions that will fluctuate with the average being somewhere in the area of 4½%. There will probably be a blended rate of between 9 to 10% of households who will receive a reduction. Those individuals will be the happy ones as they will receive a card showing the reduction sometime in February. However, come August, when the new tax rate is in, they will get 6½% added back on to the reduction. We are looking at a situation where they *(county)* say they will correct an inequity. In fact, one representative got rather testy when Cncl. DiLucia began posing questions and then began putting the councilman on the defensive by saying don't we want an equity payment amongst our residents. Cncl. DiLucia responded if the process was right to begin with there would be people that you are excluding right now that would get lower taxes. Cncl. DiLucia noted he could not believe that the 60% being excluded from this process, that the values of their homes have not gone down since the reassessment. He noted there is so much more to this and council can take a look at both the information and the graph included with the documentation sent from the county. The only winner in the process last year was the school board because their rates were set before the reassessment. That meant the township wound up paying the school board more money as they got 100% of their budget. He was unsure if there wasn't a way to approach this issue, to avoid this again. From the standpoint of a council member, we are looking at some residents that may experience a 6½% increase, if we can hold the budget to 2%. This would be for the people that did not get a reassessment and for those that do, it would depend on the plus or minus side.

Cncl. Pres., Caligiuri questioned if it would be the recommendation of the committee to consider a Resolution urging the county to do a complete re-eval.

Cncl. Richard DiLucia explained that during his report he was not making a recommendation as an individual. He noted his position will be to oppose it *(compliance plan)* on the basis it is not equitable. If he felt this would resolve the problem of getting assessments right, he would totally agree. Nevertheless, he felt anyone who uses any logical thought in this has to know this will not create an equitable situation. Cncl. DiLucia noted no one can tell him that if you did not get/apply for a reassessment since the total re eval was done that the value of your home hasn't dropped. It tells me in the sheer numbers, there will be people that do not live in developments who are excluded from this process. He felt there is no way, that if they file an appeal they won't prevail in a fair appeal process. This will cost more money going forward. Cncl. DiLucia stressed the right way to do this, from our standpoint, is to insist that the county do a total re-eval. He realized this would cost money but it was, in his opinion, the only fair way to do it. Quite honestly, he felt they *(county)* were tied to this thing as an academic as opposed to someone who is going to deal with the problem. Cncl. DiLucia noted for example, he knows of council members that did not get a reassessment living in older neighborhoods that the

F.) COMMITTEE REPORTS *(cont'd)*

values of their properties have dropped and they will be excluded from this process, along with other people they represent.

Cncl. Walter Bryson advised those people who are not included on this report and who do not file for an appeal are subject to close to a 6½% increase. One other thing that Cncl. Bryson wished to make perfectly clear was this governing body has no option, none whatsoever. Because of the way this is laid out the assessing portion of government has its autonomy and we have our autonomy. One option is to request and keep requesting a re-evaluation of this entire township. He then noted this is the first situation of its kind, they did one on a smaller scale in Wenonah but none on a larger community. He advised there are two other townships, in this same county, who had not had reassessments in a long time, that are now getting them. We had one at the peak and are not getting one, instead what we are getting is this inequitable solution. He would like all the people in this town to know there is an article that appeared the same day that the Finance Committee met with the county. Cncl. DiLucia clarified the article appeared on the 19th. We are looking at a reduction for 4,800 homes, with 6,000 other homes still outstanding. This plan is quite selective and when it first came out it was quite ambiguous because it never spelled out the developments, we had to go and ask for the names. Cncl. Bryson then read into the record those developments named in the Compliance Plan and recognized by the county as being over assessed.

Candlewood, Carriage Glen, Devonshire, Dutch Farms, Holiday City, Hunter Woods, Preserves at Villas, Rosetree, Schoolhouse Gate, Stockton Run, Scotland Run, Stoneridge, Tweed Farms, Tall Oaks, Villas at Williamstown, Willow Woods, Flozella Gardens, Forest Hills, Fox Hollow, Fox Hollow West, Newbury Farms, Blue Bell Farms (old townhouses), Brookdale at Monroe, Green Meadows, Kimberly West, Monroe Village, the Arbors, Savona, Coventry Glen.

Cncl. Bryson then urged council members to take notice that there are a couple of developments that have already had a significant amount of people who have filed appeals. In addition to that our county decided this past year that they should go in and change the assessments in one of those developments named above. Cncl. Bryson noted he had no idea where the equity came from to develop this report. What we think of this plan is that it is inequitable, unfair, and will create more problems for the township as far as our values are concerned. The only solution is to have a full reassessment. Cncl. Bryson noted, we are always, as a local government, asked to do the right thing for the taxpayer. He spoke of shared services and what they are supposed to do for the municipality and this plan is a blatant example of where it went completely the other way. Now, every time we look at a shared service contract, he felt what should be done is to make sure it works both ways. Cncl. Bryson noted we are now stuck with this Compliance Plan, as they can do whatever that want in Monroe Township for five (5) years.

Cncl. Pres., Caligiuri noted one thing that can be done is to request 6,000 copies of the application for filing a tax appeal/revaluation and distribute them to the households. **Cncl. William Sebastian** then spoke of the reason they *(county)* are not doing a

F.) COMMITTEE REPORTS *(cont'd)*

reassessment, and questioned if they do it under this legal loophole and stay under 50% the cost is absorbed by who? The mayor indicated the cost is absorbed by them anyway. **Cncl. DiLucia** advised this is an administrative cost; different then a reassessment cost. **Cncl. Sebastian** noted this is comprised of administrative costs, which comes under county funds, of which we pay a percentage. **Business Administrator, Kevin Heydel** noted the cost to the township on the contract for the reassessment was approximately $900,000.00. **Cncl. Sebastian** then questioned how they determine the developments that fall under the 50% figure. Did they take the 900 people that appealed, found out where they were located and said this development, this development appealed so we are going to throw them into the mix? Because Devonshire, Chelsea Farms and others are not included, so is this an arbitrary and capricious list. **Cncl. DiLucia** responded for the record he would answer arbitrary, he would not say capricious, as this is a legal term that would have to be proved. In terms of how they did this, it was done administratively, they sat on a computer picked up sales costs and pulled out some numbers. That may have been a good way but no one will convince him that the 6,000 houses that were excluded, that never received a drop in their assessment, didn't experience a drop in the market value of their homes. It flies in the face of reasoning that this is an equitable situation. Cncl. DiLucia then continued discussing some of the points the committee covered at the meeting with county representatives.

Cncl. Richard DiLucia noted his recommendation would be to request a meeting immediately with the Freeholder Board. They are our freeholders, they are supposed to represent us in the county, we have a problem and if we have a problem, they have a problem. The problem is going to be how do we tell people they are going to experience a minimum *(if their numbers are correct)* 6½% increase *(4½% attributable to the plan and assuming the township holds to 2%)* in this economy.

There was much discussion on meeting with the Freeholders, and who should be contacted on the matter, noting time was of the essence in scheduling a date and time for this to take place.

The county will be contacted to coordinate a meeting date. The meeting will be open to the public, with at least one or several freeholders in attendance as well as county counsel, and other representatives from the county tax assessor's office. It was noted that Freeholder Daminger, who is the liaison to the Gloucester County Office of Assessment, will be contacted directly to coordinate efforts in setting up a mutually convenient date and time for the meeting.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

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At this time, **Cncl. Pres., Frank Caligiuri** spoke to council members on the possibility of moving the council meeting dates to the 2nd and 4th Mondays. Currently,

meetings are held on the 2nd and 4th Tuesdays. **Township Clerk, Susan McCormick** addressed council on this matter, explaining with the size of our municipal court and the sessions running later and later she felt it would be best to move the meetings to Monday. This would allow for more efficient timing with ordinance publication as well as having greater access to the courtroom facilities when setting up for meetings. The Clerk then advised if council did choose to move the meeting day an amendment to the current ordinance would be in order. It was the consensus of council members in attendance to have an ordinance drafted amending the council meeting dates. The solicitor will prepare the ordinance for first reading at the next meeting.

Cncl. Richard DiLucia noted that given the fact that what we are looking at difficulties with the tax situation, which is evident by the nature of the discussion that took place, he wished to put in the form of a suggestion that either a standing committee or perhaps the formation of a new committee be authorized to look into the possibilities of bringing revenue into this town. He felt perhaps the committee could sit down and brainstorm some ideas about how to bring in monies to supplement the tax base. He felt we must be proactive with this or otherwise we may wind up in a bad situation. **Cncl. Pres., Caligiuri** would take this under advisement but felt this would be up to the new council president as far as the creation of a new committee.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of November 27, 2012. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council in attendance.

Respectfully submitted,

Susan McCormick

Susan McCormick, RMC
Municipal Clerk

Frank J. Caligiuri

Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of November 27, 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 12/11/12
Approved as corrected _____ Date _____