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COUNCIL WORK SESSION
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cheaper and you slip through with the loophole of under 50%. If our contract said that we were to get a re-evaluation in three years, why don't we just get a re-evaluation.

Gerry White responded by saying there is no contract between the county and the state or the county and the municipality. He explained there is a program that follows guidelines laid down by the Division of Taxation. Mr. White noted when he was here some three or four years ago, along with Ed Burek, County Assessor at the time. What was described was a concept where we would avoid re-valuations. The purpose of avoiding re-valuations is because one they are costly, and two people find it oppressive. People don't want you going into their home. A re-valuation is driven by market data as is this process (*compliance plan*). He felt there seems to be a focus on, you brought the program but you are not getting the program. I would argue you are getting exactly what Ed Burek and I described to this governing body. Namely, a system that is a portion of an overall tax base (*segmental assessments*). Rather than waiting ten or fifteen years and having the catechismal event, usually a re-valuation, where people show up here with pitchforks and torches because their assessments are going up. He noted you should go, on an ongoing basis to try and keep properties at or near market value, it is not a perfect system, perfection can't be achieved. If you did a re-evaluation three months later the market data is flawed because you have sales and just that fast you are already making adjustments. The market doesn't stand still, it keeps moving. Now, what happened here in Monroe is that you re-evaluated at the top of the market. The Mayor then noted that was done because the county made us do it. Mr. White questioned what was the ratio when the township was ordered to do it. There were different figures being tossed around. Mr. White then noted Monroe was ordered to a re-evaluation for some reason. He noted this is a reform, you may not like it but that is what it is. Mr. White spoke of Ms. Glocker-Hammond and Ms. Longo explaining they are following the guidelines of the New Jersey Division of Taxation, trying to keep properties at or near market value. That is the intent, it is not to favor one Ward over another Ward, it is driven by market data and judgment is involved. Mr. White explained that these ladies are insulated from the political process, insulated from himself and from everyone in this room. They are doing what the NJ Division of Taxation directs them to do. They are accountable to the county Board of Taxation, to the NJ Division of Taxation, if anyone can find how they are operating outside of those parameters please bring it their attention and they can adjust it. He was sorry the folks here are not happy. Mr. White did state he needs to take away from this that there needs to be a better job of communicating with elected and appointed officials. He felt this process is good for Monroe Township, it is faithful to the original intent of this program, which is to keep properties at or near market value without going in and invading people's homes and incurring an unnecessary expense. Mr. White again noted it is driven by valid market data and that is all you can ask for.

Cncl. Walter Bryson noted that he was here when we signed onto this county cooperation agreement, no we will call it "shared services". He noted cooperation is a two-way street. So what you just got done saying is compliance is part of this plan. Mr. White noted he said it was consistent with the plan. **Cncl. Bryson** questioned if this is consistent with the Plan, then tell me and the tax payers of Monroe Township why you (*county*) will do a full reassessment on Washington Township. Mr. White noted we are doing a re-evaluation, the same as Monroe Township, which we reimbursed you for, by the way. Discussion went on regarding Compliance Plans and when they were done in 2010 and 2011. **Cncl. Bryson** then questioned Mr. White, on if this was a Pilot Program. Mr. White responded that it is a Pilot for the entire state of New Jersey. **Cncl. Bryson** noted that when this program was presented to council, you deceived us by not putting all your cards on the table. The next time or any time that "shared services" is brought before council someone just better tell the straight "truth" about each service. He was also under the impression, with this being a Pilot Program, we had an opportunity at some point to get out of the program if it did not serve the taxpayers of this town. **Mr. White** noted it was never represented this way by himself, Ed Burek or Senator Sweeney, it was never the case.

Cncl. Pres., Frank Caligiuri extended his thanks to the county representatives for their attendance. He went on to speak of the alternative and questioned again, if everyone has the right to appeal. Ms. Glocker-Hammond replied "yes". The information will be on the back of the assessment card that everyone receives in February of every year. **Cncl. Pres., Caligiuri** requested to let the record reflect that **Mr. White** walked

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out of the room. He then requested the other representatives convey a message to him. This is a "shared service" and we (*township council*) encountered this and took it on in good faith. However, this leaves a bad taste in many people's mouths when we have to look at things like EMT services and fire services and other things that may be coming down the line. Now, we will become gun shy and probably even more resistant.

After leaving the room **Mr. White** then re-entered and **Cncl. Pres., Caligiuri** briefly reiterated what he had said previously. He also urged Mr. White to think about the impact this is having on people, and how the people who elected them trust council members to do the right thing. We are truly concerned that the poorest people in our town are going to wind up carrying the burden of the reductions given on the wealthier developments as part of the process. **Cncl. Pres., Caligiuri** noted just imagine what it might be like if you, for example, were among those people that are earning a little bit less than the county average, being hit with a larger tax burden.

Mr. White then spoke noting the county is very mindful of its obligation here. The constitution requires that taxes be fairly and uniformly portioned, and that is what this program is all about. He felt that through doing a "segmental assessment", which is again what we are proposing here, it is faithful to the original concept, as described to the governing body. This does, as nearly as one can with an imperfect and particularly volatile real estate environment; keep taxes proportionately fair in a uniform fashion. Mr. White again stressed we are very mindful of that and we will take tonight as a learning experience for us. Mr. White again reiterated that communication between the county and the township can be improved and he will take that as his mission. He will stay in contact with Mr. Heydel and he will attempt to have better communication with Monroe Township.

Cncl. Pres., Frank Caligiuri noted he would be grateful for any communication at all. When I contact the county, on anything, I never receive a call back. He noted that was his personal experience, it may not be the norm. **Mr. White** then offered his card to the Mr. Caligiuri urging him to call at anytime and he would receive a call from Mr. White.

Cncl. Richard DiLucia wished to speak on the record. He explained when the committee met with the county two weeks ago and we asked the *question* if there are 4800 reductions in taxes as a result of this plan, how likely is it that those people who will not be part of the plan will be successful in going through the appeal process. **Cncl. DiLucia** advised the response to his question was we don't believe that they will be (*successful*) because we did such a thorough job in identifying the 4800 we don't believe there will be any or many appeals that will be upheld. **Cncl. DiLucia** noted that although you can appeal they (*county*) have an idea that the 6000 that will not receive a review are going to have a very, very difficult time (*through that process-appeal*) in getting their assessments lowered. He felt compelled, as a councilman, when someone questions if they should invest \$25.00 in an appeal, to tell them their chances of that investment being fruitful are very suspect. **Cncl. DiLucia** did not think we should go forward with giving the residents any false hope that this is going to be a very easy process (*appeal process*). He felt it was going to meet with stern resistance because they (*county*) are going to protect what they did as being right. What they did actually, was to save themselves \$1 million dollars by not having a reassessment/revaluation and they *cherry picked* and this has now become a lottery, our citizens are involved in a lottery. Some will be winners, some will be losers but everyone is going to experience a 6½% increase in their tax rate.

• Inspection Summary – Current Towing Companies

Solicitor Charles Fiore advised for the purpose of the record you should establish that consistent with Chapter 262 of the Monroe Township Code there is a process whereby applications are filed by November 1st, then reviewed by the Director of Public Safety and the Police Department, with a recommendation forthcoming.

Director of Public Safety, Jim Smart advised that Officer, Mark Burton – MTPD Traffic Division, as all the towers in the room can attest, has done a really thorough job along with Captain Howard Weimer in reviewing the application and performing the inspections. Mr. Smart indicated he would not speak for them but that he

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would go along with what Officer Burton's findings were and pretty much follow the paper trail. Mr. Smart then spoke on the application process, only two towers met the criteria, as far as the yards and vehicle inspections everyone was in compliance, with a few having some outstanding violations, nothing of any big deal. As has always been done in the past, we do give them a chance to rectify the yard and truck problems. All those issues were taken care of and the only thing it came down to was the ordinance states, as mentioned previously at a work session meeting, the applications were due by November 1st and only two came in as complete that matched the checklist items. He noted there was an application received from a facility located in Blackwood, this fell into non-compliance and a yard inspection was not warranted, as the location did not fall within the jurisdiction of Monroe Township (*clearly stated within ordinance*). Mr. Smart went on to note some of the items missing in the application process, some layouts, insurance information, etc. He again advised council that only two met and they were the only two, based on the application process that we can bring forward to council as their recommendation. With that being said, Mr. Smart along with Captain Weimer and Officer Burton met regarding their concerns with just two towers. One concern was just the sheer volume of calls within the township whether two towers could efficiently handle the calls or the volume of cars from a storage standpoint. He did not think anyone would have trouble handling it on the street it was his personal feeling about the storage that has us somewhat concerned. **Cncl. Pres., Caligiuri** noted there is a big difference between ten towers to two (*it was noted that we ended the year with nine (9) towers*) and questioned if there were new compliance issues this year that were not required prior. Mr. Smart indicated that "no" most of the compliance issues had to do with the application process. **Cncl. Pres., Caligiuri** questioned if they were out of compliance last year. Mr. Smart responded yes, most of the problems are with the insurance paperwork with the 15-day notice criteria. **Cncl. Pres., Caligiuri** indicated he had an issue with the 15-day notice and questioned if we could verify this requirement, as he was not sure it was even legal. In the case of homeowners insurance, for example, when there is a lien holder and homeowners insurance terminated, customarily the insurance carrier has to notify the lien holder that the insurance has lapsed. Third party lien holders are normally named on the policies. In the case of general business liability there is no lien holder involved. Unless we require Monroe Township to be named as co-insured on their policy, which our ordinance does not require therefore unless we require a rider on their policy that says Monroe Township is co-insured there is no reason why an insurance company would ever notify us. **Officer Burton** indicated we do have the additional injured required.

Solicitor Charles Fiore indicated he felt compelled that he be heard at this time. Just as with the taxing issue (*discussed prior*) a lot of people in this room are affected by the implementation of the ordinance. It may be unfair, overly burdensome and he felt he must be heard. Mr. Fiore stressed he was in a difficult spot, from the standpoint, that again it affects a lot of people in this room that I know. He noted the towing list went from nine down to potentially two, with recommendations. Over the years, I have had this corny saying about being consistent and remaining consistent. He pointed out the importance of the minutes that are taken and the minutes from the November 27th meeting set forth my position on this matter (*towing*). Mr. Fiore then went on to look at the history of the towing ordinance and noted that everyone should be mindful that in 2007 we undertook the endeavor to change the ordinance. There was input from probably everyone sitting in the room to try to make it the perfect ordinance it never became that and you will never be able to create that. Mr. Fiore continued adding that there will be people who are going to be adversely affected by it. He explained we wanted to raise the bar, there was a lot of great input, and we came up with an ordinance that is pretty good and it is very, very straight forward. When you are dealing with municipalities/municipal government, you have to set an objective standard that everybody needs to follow. The solicitor then noted he compares this almost to a bid situation where you bid on a municipal project, this is not a bid circumstance but the requirements are somewhat similar, in that, in our code it sets forth under §262-3 *List of wreckers established*, it talks about all completed applications and information required shall be forwarded to the Division of Police no later than November 1st of each year, period. It says further if an application is deemed insufficient by the submission date of November 1st, the application shall not be considered for the upcoming year. Mr. Fiore explained, in being an attorney you kind of read that and twist it a thousand different ways and you could interpret it a thousand different ways. He stressed the only way to interpret it is to compare it to a bid process, here are the criteria; it is not anything that is super, super complicated. You

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must submit certain basic documents. Over the past several years, we have kind of loosely applied it. Mr. Fiore noted he remembers a debate, the year before and last year, over the word *shall* and he even used the word diminimous, which is something that is minor, is not going to affect the spirit of the ordinance. He felt we can no longer argue this. Mr. Fiore explained that he remembers there was an injunction that was filed with an attempt to not allow us to move forward because we essentially gave some of the people a base on balls. Judge Curio brought the argument look it is a new ordinance, it is kind of no big deal and work on it next year and hopefully you won't be back to see her. In saying this, again it effects a lot of good, hard working people but we all went into it knowing in 2012 what the ordinance said and what the requirements were. Now, specifically dealing with that 15 day cancellation issue he stressed that he did some very extensive research regarding whether or not, you hear the general layman's term that it is illegal, improper, impossible and it is not. The solicitor noted there are some individuals that are not in compliance with other parts of the ordinance and have that 15 day provision included in their Certificate of Insurance. He explained what is illegal and improper is that you cannot have your agent produce a letter or a Certificate of Insurance that is inconsistent with your policy. He went on to speak regarding the Certificate of Insurance which is called **Accord 21 or Accord 25** which is approved by the Department of Insurance and Banking. It is a summary of your insurance policy, the endorsement that is contained for the 15-day cancellation provision is **Endorsement 0528**, which is a Department of Insurance designation. He further explained that some of the insurance companies have that 15-day provision, which is an endorsement and from what he understands, you do pay extra for it. Mr. Fiore indicated he spoke with a particular agent that he is very comfortable with who works for Travelers and he indicated yes, it is permitted. He then spoke with another agent who noted it was not proper. Looking at it from an attorney's standpoint, you look at the provisions of the statute *NJSA 7:22-6.50* and it talks about the Certificate of Insurance and the content of such. Generally, the cancellation provisions of a general insurance policy are 10 days for non-payment and 30 days for all other general cancellations. The 15-day provision included in our code is not contrary to any other provision. Mr. Fiore noted that you must understand the basis for it, ask yourself, and query this. Why do we have the 15-day provision? Because private individuals are out towing on behalf of or at the direction of the township. Our responsibility is to make sure the appropriate insurance is in place. Mr. Fiore noted he was aware that it has been interpreted 10,000 different ways, everybody will interpret the way it affects them. Again, looking at this there may be some upset people but you must call it the way it is. If you were to blow up this ordinance and look at it in big print, it is pretty simple. He spoke to the question, do we have an obligation to contact the tower, or perspective tower, and make them aware of the fact that their application is deficient. Mr. Fiore explained, one can interpret that section of the ordinance in that particular way (*if you want to spin it that way*). However, if you really look at it you compare it to the bid process. Here is the submission date, here is the deadline, it is not Officer Burton's job or Jim Smart's job to go out and contact somebody, even though as a courtesy to a lot of people they have done that. In fact, we have done everything as a municipality to try to make it better. Mr. Fiore then noted the question will two (*towers*) work, he did not know. Is this a public safety concern? no. The issue is, I guess, dealing with the storage in the yard. At what point in time do we now call something diminimous vs. serious. Mr. Fiore explained we argued in front of Judge Curio sometime last year, look nobody really knew. However, he cannot move that same argument forward. Hopefully, this will work, hopefully we created a good ordinance. Again, there a lot of people who will be substantially and financially impacted upon your decision. He added this was a tough decision for council members as these are more sophisticated times then when the ordinance was first introduced in 1970 and there are more severe liability issues now. This is one reason why we looked into this ordinance. We wanted to create the standard, we wanted to create the bar and that is what we did. Unfortunately, when you create a bar, people are affected by it. Council now has to make a difficult decision and from a human-interest standpoint, it affects many good people.

Cncl. Daniel Teefy posed a question, once we approve the recommendations made tonight anybody that did not make the list, can they get back on this year. The solicitor responded it is a once a year, it opens once a year.

Cncl. Walter Bryson questioned how many other towns have an ordinance relevant to towing. Also, what would we do if we did not have an ordinance because the

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one we have now was originally devised and originally modified for one reason and one reason only. That was for public safety, to allow enough people to provide this service when someone was involved in an accident. **Cncl. Bryson** noted, that he believed since the conception of this ordinance it has cost this township considerable money and time, involving our police department, the towers and this council. He questioned if we could just abdicate this towing ordinance and just leave it open and let those who are involved in accidents hire their own tower. The solicitor responded they do have an option, when they are involved in an accident or mishap on a roadway to contact their own tower. If in the event they can't that is where the public safety issue comes into play. **Cncl. Bryson** wanted to know if it was a necessity to have such an ordinance and if not, then maybe it's time for this council to think about whether or not we want it.

Any law is always a work in progress with one objective in mind, public safety. He was sure the two towers named are more than qualified to do the job but there is going to be some shortfalls.

Director of Public Safety, Jim Smart spoke noting that you would never want to have the town with no guidelines for towers because it would be a free for all. Years ago it was always a race to who got there first. That is why the 1971 ordinance came about, it is to protect the public against (*quite honestly*) it could anybody sitting on the side of the road. It does not have to be anyone of our local towers that could pick a vehicle up and take it anywhere. He explained they sit on the side of the road and when a mishap happens they are there and they scoop and they go and they are free to charge whatever. The fact that we put ceilings on the billing, is again to protect the residents and/or the passer through. Mr. Smart advised that as far as out on the street, two towers, I don't know if it would be detrimental, it would be more, in my mind, a storage issue. We have had snowstorms where some 13 vehicles were down within a couple of hours and do our people that tow for this township get them off the street, they most certainly do and they do it in an expeditious fashion, even under adverse conditions. Mr. Smart noted our ordinance says *provisions for ten vehicles*, and that is with a rotation of ten towers, with two towers that dramatically changes in my mind. The ordinance also states they must have a storage area for police to do inspections (*criminal*) and it must be indoors. He stated he was not an expert on this but it would seem that every other week, if that is the way we did it, would be pretty overbearing for the two towers on the list. I am not saying they could not handle it as they may be able to handle those provisions but the way the ordinance is written (*as it is today*) saying the area is for ten you are now asking those two to increase both storage and capacity. Again, we (*Officer Burton*) inspected for ten vehicles and ten vehicles only, that was his major area of concern.

Cncl. Walter Bryson questioned the solicitor if it was possible to make a change in the ordinance regarding putting in place a provision for secondary towers if we do need that additional capability.

Cncl. William Sebastian noted we keep running into these Catch 22 scenarios on this ordinance, you follow one part of a particular section and it interferes with another part. He personally did not have a problem with two towers but as the solicitor said, it does affect many good people. However, everyone knew what steps needed to be taken by November 1st. Every time we turn around it seems that the left hand is having a problem with the right. **Cncl. Sebastian** stated as far as changing the ordinance is concerned he ran into a situation where he had asked the solicitor about changing the wording, just one word (*shall*) to (*may*). The fact that it is under litigation, at this particular point, negates the ability of our making those changes until we satisfy the litigation. The solicitor indicated at that time he would not recommend you make that change, I did not recommend it before and would not recommend now. **Cncl. Sebastian** noted there was a good point, brought up by a tower, that the word *shall* implied that you will do this even though it may have been the intent that you *may* have to do it. The fact is, we did not change it from *shall* to *may* before it became a codified ordinance. He went on to say now that the litigation is in place you can't make the change because you start to adjust an ordinance that is under litigation and in his opinion, you can't do that. **Cncl. Sebastian** spoke on the way in which the ordinance is written, you are dammed if you do or dammed if you don't. **Cncl. Sebastian** questioned what the recommendation was from the solicitor to council in order to make a determination, questioning what benefits the township better, going against this side or this side of the ordinance because you cannot comply with the whole thing as it sits. The **Solicitor** indicated they are complying, from

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the standpoint that the ordinance states they must have ten spots. It does not say they need the ability to hold more than ten, it says to store ten vehicles. **Cncl. Sebastian** questioned if the two guys on the towing list only have enough space for ten vehicles what happens? The **Solicitor** then noted that at some point in time council must consider taking emergent action to add additional towers. If it becomes a public safety issue or an issue where there cannot be compliance you have to take emergency action at that point. Mr. Fiore again spoke noting that the point is the ordinance reads you have insurance, you have a yard, you have a motor vehicle facility with the ability to store ten (10) vehicles. Again, that formula was contemplated based upon there being ten towers, never was it contemplated after five years of operating under an ordinance that there would be only two people who would comply. We are stuck with that number, the size of the yard and the facilities as they are described in the current §262. When it becomes a public safety issue then we have to take emergent action.

Cncl. Marvin Dilks questioned if we only have two towers with only storage capacity for ten vehicles each, if there was a storm, etc. would the township then be able to legally, give them an additional storage area. Mr. Fiore responded he would have to look into this further; he did not have an answer at that time.

There was discussion on just exactly what towers were in compliance and those who were not and if most of those not in compliance, if it had to do with the insurance issue. Also, a question on being *grandfathered* was placed. The solicitor indicated that one (1) tower was *grandfathered* in because of the yard. **Director of Public Safety, Jim Smart** indicated this matter was documented very clearly; he is *grandfathered* for the yard and the yard only. It had nothing to do with time, it had to do with him being unable to segment his yard properly and this was done at the inception of the new ordinance, it did not come any time after, it was in conjunction with the adoption of the changes in the ordinance. He could not comply but everyone else was able to comply with the yard segmentation.

The Solicitor advised that the towing list was scheduled for approval at the regular council meeting, under Correspondence. There will be a recommendation made by the Director of Public Safety, naming the two towers. He referred to the ordinance stating that this list is established by the first meeting of January however this does make much sense because this is when the rotation begins. Generally, council approves the list at the first meeting in December. **Director of Public Safety, Jim Smart** spoke on the rotation of the towing list and the rotation does not change. He explained there was a gentleman's agreement that the rotation never change because ten does not divide into 52 evenly, it just always stayed in the same sequential order, unless someone fell off the list, then everyone would just bump up. Mr. Smart then went through the non-compliant items on various applications that were submitted, adding it did not mean the towers do not have the items mentioned, it just means they were not submitted as part of their applications. This is what all the decisions are based upon and he felt it was clear in the ordinance, *need to be a completed application by November 1st.*

Solicitor Fiore then touched base on what one of the towers sent to him just today, which does not include the 15 day provision, and simply attached what is referred to as the endorsement indicating 10 day for non-payment, 30 day for all other events. It did not indicate that you cannot have a 15 day endorsement and other towers have provided that 15 day endorsement. Also, part of the ordinance clearly notes that Monroe Township shall be named as part of/ additional insured.

C.) PUBLIC PORTION

Cncl. Walter Bryson 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.

Joann Malia - Malia Auto Body approached council with a question on the submission of her towing application and just where we were remiss in the application process. Mr. Smart indicated it was with the diagram. Ms. Malia noted the diagram was in there. Officer Burton noted there was a tax lot diagram that did not specifically show or state the outdoor "police only" lot or the indoor "police" storage area, it was a copy of

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C.) PUBLIC PORTION(cont'd)

the tax lot/property layout. Mr. Fiore indicated, for the record, the tax map that Officer Burton was referring to has to define the police locations. Ms. Malia noted it says "bullpen" on there, which is the police location. Officer Burton noted "bullpen" was noted, he did not assume this was a "police only" lot. He noted there was no indoor location for the "police only" storage. Ms. Malia noted she did not read anywhere on the application that we needed to have an indoor, she did note that she does have indoor space. The solicitor referred to the checklist for Monroe Township applications where the section reads: identify the location from which the applicant will tow from and use for tow storage. (§262-9 J.) *The applicant shall attach a diagram of the tower's property showing the secured area of both inside and outside storage area intended for storage and protection of towed vehicles.* Ms. Malia then noted that last year she was in compliance, and there were two of us (towers) that were. All the other towers that were not in compliance last year were allowed to tow and she questioned why there is a difference this year.

Solicitor Fiore addressed the council president; he explained there was an injunction sought by one of the towers, to preclude the township from approving certain people because of the fact they were not fully compliant. The argument was made before the court based upon the fact that the ordinance was a fairly new ordinance, even though it was about the third year we had acted upon it. The judge thought, the township's position giving everyone the benefit of the doubt for that particular year was a basis for leaving everybody on the list. Again included in the minutes (November) was a question, must we adhere to the ordinance and just following the court directive, we must adhere to the ordinance.

Dominic Burgese - B&B Auto Repair approached council with a question on the storage lot being approved the way they are (*on the application*) and with the volume of cars, the two (2) towers that will be recommended for the list, will not have enough room for storage. If they move forward with an extension to their storage lot, that is still different then what was on the application. So that would be the same thing for us, we should get a chance to correct what we didn't do, if they can do extended as far as changing that then you need to consider everyone, not just one person. Then he questioned going with 2 towers, what happens (*for example*) when a car is stored outside the impound lot, right now we if have a car in our impound lot that is not a police tow, we are off the list. He questioned who polices things of this nature and what do you do about it, he felt council should know things like this are going to happen if there are too many cars and not enough room. Mr. Burgese noted the average tow week is ten (10) cars and forty (40) cars a month, there is no way they have that kind of room because the cars do not get picked up immediately. He noted that insurance companies do want them picked up as soon as possible but the average set car is four to five days. His main concern was what happens when the storage lot is filled/not stored correctly. **Director of Public Safety, Jim Smart** replied last year this occurred, both Officer Burton and himself were involved and the tower (*not on the list this year*) this was part of why he was not considered this year. He was in violation (*vehicle not stored*) and we removed him for the remainder of that tow, plus the following tow week. **Officer Burton** replied that Mr. Burgesses' question was fair, a police towed vehicle, by ordinance, has to be stored in the secured "police only" lot. That was the concern that was brought up initially by Captain Weimer and the Director. Not if two people could not handle it, but the storage because it does not give us an option to store outside. If someone does not have the room, he had no answer for that. There was some discussion with many different people speaking at the same time.

Tom Stalba - AA Auto Salvage questioned the emergency plan and if it would be open to everyone on the list. The solicitor indicated he had no information on this just now or what the process might be, hopefully it is something we don't need to address but it sounds like it may be inevitable. Mr. Stalba noted he knew council had a job to do but when this is all settled I think we need to get back to the table and figure out this whole thing. There is a lot of problems with what is going on right now. We have been doing this for a long time and everyone has had the grace period to fix his or her stuff, and that is the way it should be. We are all in this community together and we don't have to be at each other. He felt when it is all said and done we can come to some kind of agreement and get this straightened out.

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Tom Atack - Cecil Collision inquired on the obvious question, exactly who was recommended to be on the tow list. **Director of Public Safety, Jim Smart** responded the only ones who met the criteria were A-Jack's and AA Salvage. Mr. Atack then questioned what he was deficient in. Mr. Smart indicated it was the garage keeper covering fire, theft and explosion. Mr. Atack noted his frustration, and noted he handed in the same application for 4 or 5 years and he felt this was non-sense, absolute non-sense. He thought his application was perfect; he never had any worry, now I am off the list. Mr. Atack noted a very, very clear application process does not eliminate 80%. **Mr. Smart** responded to the council president emphasizing that him reviewing all the applications with each tower going through their deficiencies does not help council with their decision making. It was noted to just share a copy of their deficiencies with the towers and whomever.

Tom Weeast - Lake Avenue Auto Body spoke to council on solving the problem. His opinion was that Emergency Management may call this an emergency because two (2) towers really is not enough, they do not have enough storage. He noted he has been towing for this town for some 30 years and there were times when the township was begging guys to go out there and tow, to go out there and lay in the mud and the snow and freeze your butt off. Mr. Weeast noted it seems like if you are going to have an emergency why not nip it in the bud right now before it happens.

Dan Heller - B&H Auto advised council that his insurance company said that unless he has a written contract with the township they will not give him the 15 day endorsement and he questioned what he was to do about this. The solicitor noted that other insurance carriers would write this (*Harleysville, Travelers*). Mr. Heller indicated that Harleysville was the carrier that said they would not write it and also he has been turning everything in and all of a sudden everything changed? Mr. Heller noted something is wrong here, really wrong and it needs to get fixed. Mr. Fiore stressed we are applying the ordinance.

Jack Simmermon - A-Jack's Towing spoke with regard to storage and he noted that Tommy has a large lot and he also has a large lot. If we need to expand, I am sure we can. But the ordinance says, ten spots is ten spots. Mr. Simmermon noted he understood that everybody is going to need a little bit more space and he was sure that Tommy had the room and he definitely has the room to make the provisions to handle more cars.

Director of Public Safety, Jim Smart noted a quick clarification on the application process. The applications never really went to anyone for review until last year and that was one of the reasons why last year everybody got a base on balls. The applications were never scrutinized until last year and then they went under the microscope when Office Burton and Captain Weimer realized it was the police department's responsibility to review those applications.

Solicitor Fiore spoke on last year with a change in the regime and we had the proverbially egg on our face because no one looked at it and the applications sat. That was part of the justification to deviate from the ordinance and allowed everything to be submitted at a later date. **Cncl. Pres., Caligiuri** noted there is something wrong with that ordinance if we are losing 80% of our towers. Mr. Fiore understood what everyone was saying however we cannot continue to just make it up as we go along. This is a liability and we can't survive that way.

Tom Atack - again spoke noting by accepting the application last year and not advising that he was alright, except for what was missing I would be perfect this year. Now I now have a tow yard with a \$60,000.00 tow truck sitting along with a \$5,000.00 insurance policy and I thought I was ok. **Cncl. Pres., Caligiuri** noted he understood what Mr. Atack was saying, and he was empathetic to the situation.

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

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
DECEMBER 11, 2012**

- D.) NEW BUSINESS - None
- E.) OLD BUSINESS - None
- F.) COMMITTEE REPORTS
- G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None
- H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

Cncl. Walter Bryson then spoke and noted even if I was stopped on a road and had a speeding ticket, the officer/patrol man would tell me what my violation was and it would be written down. What all these towers are saying is this, if I submit an application and I don't make your law, why is it that you cannot tell me why I don't make that law. Now, if there is anything we should add to an ordinance it should be this because I cannot understand any law where you are not told of your violation, when you violate that law.

Solicitor Fiore noted that is why earlier he spoke of comparing this matter to the bid process. The bid process consists of somebody submits a bid and your liability insurance is required to be a part of it. The Clerk's Office does not contact individuals and advise them what they are lacking in their bid proposal and they do not advise them that if you bring it in you will be ok. That is not the way it works, that is not the whole idea of the bidding process. Gentlemen, again if the ordinance committee wants to look at it, fine, but we must come up with a process and a process where it is etched in stone. Officer Burton explained that most of the applications are submitted on the actual date they are due. Even if it took only one day to review them by the time I get back to them (*towers*) it is already a violation of our ordinance. He was instructed to advise everyone last year what was wrong/missing with their applications, to make them comply. **Mayor Gabbianelli** then posed a question, due to the fact we are worried about the storage I may have an answer. If we can do this, from now on, the two towers will tow from the accident to the township yard as the facility has plenty of room. We will handle it from there and they will get their money we will make sure they get paid. We will then take the storage fee, this could be done until we have enough towers. He questioned the solicitor if this was feasible. Mr. Fiore responded we can certainly take a look at it as it was a good suggestion. Although he would not venture a guess at the present time.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Marvin Dilks** made a motion to adjourn the Council Work Session of December 11, 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 December 11, 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 Am Date 1/14/13
Approved as corrected _____ Date _____