

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
JUNE 24, 2013**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Daniel P. Teefy** at approximately **7:00 PM** in the Conference Room on the first floor of the Municipal Complex, located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official publications for Monroe Township (i.e.: South Jersey 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. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Pres., Daniel Teefy	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis		Excused
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

• **Medical Director – EMS**

Cncl. Pres., Daniel Teefy explained that just recently the contract with Cooper Health Systems was terminated. **Business Administrator, Kevin Heydel** elaborated on the reasons for the termination. He explained that we entered into a contract back in February, 2009 as municipalities are required to have a *Medical Director* for oversight. Cooper has been providing that service (*at no cost*) for several municipalities however back in October, 2012 they came to the township with concerns over issues with us completing charts in a timely manner that being within a twenty-four hour period the charts should be in and locked. Cooper then came back to us sometime in May of this year, Mr. Heydel then looked into the matter and corresponded with Cooper as he felt it more of an isolated

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B.) MATTERS FOR DISCUSSION (cont'd)

matter then a broad problem and it was found that this was not the case. Mr. Heydel then looked at different avenues with which to address this problem. He looked into services with both Virtua and Kennedy however; he came across a consultant (*Emergency Training & Consulting*) who is in the business of doing this type of service. This consultant is a physician was a former EMT and paramedic and he conducts training sessions. We now must pay for this service and the fee is \$9,500.00 for 8 hours a month that includes training. This figure is based upon our call volume, the number of people we have and being equitable for the same programs he implements in both Evesham Township and Millville (*call volume about the same*). Mr. Heydel explained he choose the higher end plan because he wanted to put this professional in front of our volunteers as it will be an opportunity to raise our game. **Mayor Gabbianelli** then noted if we are to keep the EMS service we have to make sure we have a medical director. He advised we are attempting to keep this service, and it is mostly about the local response time compared to county response time. He noted the three (3) largest municipalities in the county do not use the EMS service we all pay for it but do not use it. Should we sue the county, yes I believe so as we pay 10% of that bill which is a lot of money. He noted he would be all for it if council was to sue. **Cncl. Walter Bryson** questioned if there was a requirement that the consultant be associated with a hospital. Mr. Heydel's response was "no". The Mayor further explained the services must be performed by a licensed physician, not a nurse or paraprofessional. Mr. Heydel then stressed in looking at this whole matter with regard to not having the charts in when you look back to 2007 through now we are so much better in that regard. Our revenue is up 30% and that right off the bat tells you we are doing better. **Cncl. Pres., Daniel Teefy** questioned, if we are doing better why did Cooper drop us. It was noted because we were not perfect and they could bill now. Mr. Heydel noted the county decided to go with them for \$30,000.00; they were doing it for us as a free service. He explained even if we were to go with Virtua that would not have been free, they would have charged us. He went on to say you take this as an opportunity one that we can build upon. **Cncl. Pres., Teefy** questioned if the proposal from Emergency Training & Consulting has the same stipulation with regard to the twenty-four (24) turn around for completing charts. Mr. Heydel noted, no. He continued to explain the volunteers have already implemented procedures and follow-up and in the last two weeks have shown improvement, this is something we need to continue. **Cncl. William Sebastian** noted when you are dealing with a large hospital such as Cooper, the doctor in charge of this, is handling a lot of different municipalities and they must get their reports to the state by a certain date. If they are performing this work for other municipalities and all of a sudden they (*Cooper*) come upon Monroe not having all their charts up to date then they do not have the time to get the reports into the state on time. Whereas, an individual that is handling less volume can stay on top of it. In defense of the squads on the slowness of the charts, some nights you get six or seven calls and with a majority of calls being done by volunteers these individuals like to go home and get some sleep. Sometimes they may not get their charts done within the twenty-four hour time frame. Mr. Heydel explained the actual content of the charts has never been a problem, sometimes the completion of the charts comes down to retrieving a single signature from the other EMT on call. Mr. Heydel then spoke on the interview process and explained the two-hour interview with

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B. MATTERS FOR DISCUSSION (cont'd)

Kenneth G. Lavelle, MD of Emergency Training & Consulting went very well and how he liked everything, he heard. He felt it was an opportunity for us to only get better.

• **R:127-2013** Resolution Of The Township Council Of The Township Of Monroe Awarding Bid To VCI For Two (2) 2013 Ford E450 Type III Class I Remount/Refurbishment Emergency Medical Vehicles And One (1) Refurbishment Unit For 2001 Ford E450 XL Type III Class I Ambulance As Specified In The Bid Specifications For The Township Of Monroe, Department Of Public Safety, Gloucester County And Authorizing The Proper Township Officials To Execute The Required Documentation

Cncl. Pres., Daniel Teefy noted in lieu of what just happened, he himself was not particularly comfortable with spending \$243,000.00 on equipment for an organization that is not in compliance. He advised the resolution (*as noted above*) was scheduled for approval on the regular council meeting agenda he just wanted to give any other council member an opportunity to make comment if they choose to. Council members had no comments to make regarding this matter.

C.) PUBLIC PORTION

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

D.) NEW BUSINESS

E.) OLD BUSINESS

Cncl. Marvin Dilks spoke of the torrential rains that have been occurring in our area. He was contacted by Mr. Etschman, a resident of Rex Avenue, to advise him of the continuing problems with basin drainage near his residence. **Cncl. Dilks** went into some background information commenting on the installation of swales and how the basin was made whole to alleviate the over run of water across the road. **Cncl. Dilks** felt perhaps we may have to perform some maintenance on this basin so that it will drain properly. The Mayor added there wasn't any engineering done as the basin was built by the property owner. **Cncl. Dilks** noted the problem is if you have a storm today and the volume of the water is left in that basin we need to get that water to drain out of the basin. He felt we could contact the property owner and see if he could clean it up, as we need to do something. The Mayor indicated all we can do is ask. **Cncl. Walter Bryson** noted the property owner, Mr. Smith was pretty cooperative and what he did was widen that area and the water would catch at the corner of Rex Avenue and Pitman Downer Road. Then it would come down and flow back into a pond. **Engineer, Chris Rehmann** noted that someone, and he had no idea who, broke into the inlet at that corner and allowed some of

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E.) OLD BUSINESS (cont'd)

that water to drain out. The county required the person to fix it. There was continued discussion on the condition of the area and what had transpired in the past. Mr. Rehmann advised that if he (*Smith*) could show that was the natural drainage way, he has a right to **reasonably** use the natural drainage way. When he had an orchard in that location, it was well established and then every row had a hump on it and it stopped the water from running directly. Although some of the water still got there it was not in the volume with which it is getting there now. Mr. Rehmann noted we (*ARH*) had suggested to the residents (*Rex Avenue*) that they needed to enter into a suit with the farmer for damages. However, they are reluctant to do that. He then noted he was reluctant to have the taxpayers of Monroe Township involved. Mr. Rehmann continued and noted we have done everything we could to get the farmer to cooperate, he did. Mr. Rehmann did not hear anything until today that the problem had come back. The solicitor advised that we should not, would not and cannot get involved with having the Township engineer go out to this location. The first thing is to contact Steve Smith to find out if he can address the problem, as he has in the past. If this does not work then the residents would have to explore what other legal options they have. Initially, we got involved due to a subdivision application that had been approved. The undulations were removed, we looked at it then Mr. Smith addressed the issue. There has not been a problem for some two years. Discussion continued on the unusual amount of rain and Mr. Rehmann noted that even in the sense of a retention basin there is design storm (*100 year storm*) and if it exceeds that design storm you may get flooding, that is the obligation that an engineer has. Mr. Rehmann explained how Mr. Smith went in with his farm equipment and moved all the earth, installed a berm to try to divert some of the water. He also placed a berm along the roadway. **Cncl. Walter Bryson** then noted that he did have an engineer do the lay-out of the two basins. With much discussion on the best way to handle this matter, the mayor instructed Mr. Fiore to correspond with Mr. Smith on the problem area along Rex Avenue.

F.) COMMITTEE REPORTS

Cncl. Ronald Garbowski reported that he was contacted late last week by Cheryl Ognassanti. She requested to meet with the Administration Committee prior to the council meeting in reference to Trio Tavern. **Cncl. Garbowski** advised attempting to schedule a committee meeting prior to the council meeting was not feasible. However, he advised her if she would like to meet sometime after he would be glad to schedule a meeting.

Cncl. William Sebastian, Chairman of the Ordinance Committee spoke on the Ordinance Committee Meeting scheduled for Wednesday, July 3, 2013. He noted there were only two items on for discussion that being, signs and precious metals. He advised we have an ordinance in effect with respect to precious metals it is just a matter of tweaking it with regard to certain items. Also, there was discussion on the sign ordinance, which there is one currently in place. He noted these items are not critical and requested a consensus from council to cancel this meeting and move discussion on these items to the August 7th Ordinance Committee Meeting. It was the consensus of council members to **cancel** the Ordinance Committee Meeting scheduled for Wednesday, July 3, 2013. All agenda items will be placed on the agenda for the August 7, 2013 meeting.

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G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 6/24/13

Solicitor, Charles Fiore referred to the resolution (R:125-2013 *Resolution Authorizing The Renewal Of Certain Plenary Retail Consumption, Plenary Retail Consumption Licenses Within The Township Of Monroe, County Of Gloucester, State Of New Jersey*) with respect to the renewal of liquor licenses, in particular as it relates to Trio Tavern. Mr. Fiore noted he looked into this matter very closely and advised the scope of Council's review is somewhat limited. There are administrative code regulations as well as the state statutes with respect to when liquor licenses are issued, how they are renewed, and what is the scope of review once they are renewed. He noted one of the renewals scheduled has to do with Trio Tavern's renewal of their "*Inactive License*". If you look at the provisions of the administrative code he urged council members to be mindful of the fact of what your limited scope of review is. He read into the record the regulation. "The ABC Control Law requires the Local Issuing Authority (*Council*) to investigate applicant's premises for licensure and to review licenses and premises at time of renewal." Mr. Fiore explained this is generally done by the local police department, at the direction of the governing body, or by an investigator specifically employed by a local ABC board. Part of the review was the police department reviews and makes sure everything is correct; there are background checks and no criminal convictions of the licensed owners. He noted we obviously have not heard from ABC regarding any complaints filed for sale of liquor to minors, sale of liquor off-premises (*some of the allegations made publicly regarding the license*). He went on to note regulations of the ABC require at the time of the issuance, transfer, or renewal of a retail license the municipal issuing authority affirmatively find and state in a resolution the following:

- the application is completed in full
- the applicant is qualified to be licensed according to the standards established under the ABC law (*which they are, they originally were and they continue to be qualified applicants*)
- the local authority has reviewed all sources of funds purchased.

The Solicitor then explained basically this is the scope of council's review however he noted there have been a lot of allegations made. The ownership of a liquor license is an ownership right, there is a process you must go through, the law allows you to apply for it and you receive it. Certainly, it can be removed or not renewed at the time of the renewal process but there is a specific process to go through if you choose not to renew a particular license. In his twenty years with the township, there has only been one time when there was threatened action by the ABC and that was against John & Doug's and it was over a whole host of issues and illegal activities that was well beyond the scope of what we are discussing here.

Mr. Fiore continued on addressing the application submitted. He noted we know the premises is not being used because of the fire, that it is currently under construction and being reviewed by Pinelands (*not within the scope of Council's review*). He posed a question with regard to question 2.6 (A) of the application. *Is the license actively used at an operating place of business?* Response, no currently inactive due to fire & repairs – expect to reopen on or before 6/30/13. The Solicitor explained, let's assume they do not open on June 30, 2013, right now their license is "Inactive" and it will take further action on

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council's part to approve the issuance of the "Active" license. Mr. Fiore then explained that he and the Township Clerk spoke with ABC and they indicated you can remain "inactive" for a period of two years and after that period of time it would then become a "pocket license". Procedurally they are still in the ball game. The Mayor questioned the difference in a "pocket license" versus an "inactive license". Solicitor Fiore went on to respond and explain.

Mr. Fiore then addressed question 2.6 (B) of the application. *If no, give the date the business stopped operating (or the date the license was originally issued if never sited at an operating business:* the response was N/A. Mr. Fiore felt that was probably not an accurate answer. Mr. Joe Elentrio responded it was inactive due to arson/fire we are victims, our business burnt down on September 3rd. Mr. Fiore then noted (*with your approval*) we should amend the license application and answer (B) because right now it is incomplete, and we do not want that to be. Mr. Elentrio spoke and noted all we are asking is have our license renewed the way it was. Mr. Fiore again stressed that it was his job to provide direction to council members and there must be a date noted for that question, it is the date you stopped operations. Mr. Elentrio stated this was September 3rd due to arson. He was requested to fill in the date and initial it. Mr. Fiore again stressed that everyone understand the process and what must take place when the license is to be moved from its current "Inactive Status" to "Active".

Mr. Fiore then addressed question 2.6 (C) of the application. *If the license is inactive and the application is for a transfer, will the license be used at an operating place of business after approval?* Mr. Fiore felt the response to this should be "no" as this is not a transfer. Mr. Elentrio was requested to fill in the response and initial it. For the record, it was noted that Mr. Elentrio, in the presence of everyone in attendance, did respond to the questions and initialed the questions 2.6 (B) and 2.6 (C) of the application submitted. He was requested to personally come into the Clerk's Office tomorrow (*June 25th*) to complete all copies, as only one copy was available for the meeting.

Mr. Fiore then referred to page 3 of the application, question 3.5 *Are any grounds adjacent to the building under license to be included as part of the licensed premise?* Mr. Elentrio stressed he was only seeking whatever we had before, same thing I am not changing anything, the same ground, the same everything. Mr. Fiore noted with the understanding though, the prior diagram shows the outside bar (*deck*) and you understand that by granting the license in this fashion the renewal does not mean you can operate the outside bar. You must receive all Pinelands and other approvals. He also explained that if for some reason Pinelands does not give approval you would have to submit a "place to place transfer" back as you did a "place to place transfer" to expand. If you decrease in size you also have to do the transfer. Mike Marsh explained when we applied for the deck it's a piece of ground, the Pinelands has nothing to do with the deck. Mr. Fiore explained the only reason Pinelands is involved with that issue is because you are increasing the number of people, therefore you are increasing the number of people who urinate into the septic system.

Mr. Fiore noted in conclusion this is a simple issue, he read and thoroughly reviewed the three things these gentlemen (*Council*) look at in the scope of their review. The only

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question he had was in the application process. He indicated that in his mind, it is now complete there was only those few questions. He did then stress however whatever is approved you must provide an updated sketch. **Cncl. Pres., Dan Teefy** posed a question on the supposed three different sketches given to three different entities.

Joe Elentrio, Trio Tavern responded to that, introducing himself to council saying that nobody knows him other than what she has been saying for the last eight years on television. We are tired of being slandered repeatedly and portrayed as two sleazy bar owners who are prejudiced, dishonest, sneaky liars without a care for people's health, welfare or well-being, by a person who we never met until she walked into our bar seven or eight years ago and applied for a job. She seemed ok and everything seemed ok. We interviewed her and everything was good until she asked to get paid under the table, which met paying her cash and not taking out taxes. So, we informed her we could not do that, if the situation changed to give us a call, we shook hands, she left and that was the last time we heard her or met with her. Mr. Elentrio went on noting he was a United States citizen, he had an honorable discharge and in the last fifty (50) years he has owned three (3) bars, three (3) boxing gyms, a motel in Wildwood and managed \$5 to \$6 million dollar auto agencies. In the fifty years, I have never had a problem with a neighbor, never been fired, sued, convicted of crime and I am proud of that. That is who I am, who this lady says I am for the last eight years I will address on television as there is no time for it. I am 69 years old and worked my whole life and this one person gets up there and tells everyone who I am and who he is.

Mike Marsh, Trio Tavern noted we had a permit for everything, from the deck to the roof over the deck, which was a pavilion and we were never enclosed. We got electrical permits, they were approved, it was inspected and done. He then referenced a resolution which was approved in 2006 approving the transfer. Mr. Elentrio noted he had a petition signed with 1,000 signatures from people in this immediate area, 300-400 from Williamstown and the guy that runs the Diamond Lakes Association is the first signature on the petition and about 50 people that live within earshot of our bar. She don't represent nobody but herself and her boyfriend. Her house hasn't had siding on it for 3 or 4 years. At this point, much discussion broke out with various people speaking.

Solicitor, Charles Fiore indicated the only map/sketch/drawing for consideration this evening was the one submitted and attached with the application. He again explained in order for you to go from Inactive to Active that deck (*if included*) has to be approved by Pinelands, Construction, etc. **Cncl. Pres., Teefy** advised he would not deviate from the agenda as it is scheduled, he just wanted to make sure that council was advised on the matter and were set and fine and that the process was being done right for all concerned. **Cncl. Pres., Teefy** then posed a question with regard to having an outdoor event with live entertainment outside, is that permissible under this liquor license? Mr. Fiore noted, they have their own attorney, and the issue has not come before me as I have my own opinion. The solicitor then referred back to the definition of "licensed premises". *The licensed premises is that portion of a licensee's property on which or from which alcoholic beverages may be sold, served or stored. The licensed premises is defined by the licensee at the time an application is filed.* Therefore, if it is not on the application, that there is going to be outside sale of liquor, it is not allowed. It has to be on the application.

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Mike Marsh, Trio Tavern noted the reason we did the deck in the first place was because the State of New Jersey banned smoking inside, so we went outside. Mr. Fiore noted he thought the allegation was that you were serving alcohol out in the parking lot. **Cncl. Pres., Teefy** referred to question 3.5 of the application *Are any grounds adjacent to the building under license to be included as part of the licensed premises?* Solicitor Fiore explained right now the Inactive Status includes the building and that area, that doesn't mean that area when it goes from Inactive to Active is going to be permitted because it may not be able to get construction approval because Pinelands has to sign off on it first. The Inactive status is as it exists, then again when it goes from Inactive to Active that may not be. **Cncl. Pres., Teefy** noted for clarification, that area as we understand it is the deck. Mr. Elentrio again noted all we are asking for is the approval we had before. Solicitor Fiore reiterated what he (*Elentrio*) was asking is just to transfer that piece of paper (*Inactive license*). Mr. Fiore noted it is clear in the application the only alcohol allowed to be served is (*inaudible*). Again discussion took place with many people speaking at once.

At this time, Mr. Elentrio again spoke on how she is there seven (7) days a week taking pictures of us, my customers, and my bartenders. She has the camera in their face taking pictures. He added nobody on this committee would put up with what we put up with for the last eight (8) years. He then elaborated on a few things taking place. He also noted that he has been out of work for months, right now he is losing his business as this is when we would making our money and everybody is now going to different places. I have fifteen (15) people out of work that haven't made a living in months. He spoke of the noise and how when we went before Judge Lavocara he told her to live with it, you live next to a bar. She noted the noise went to her backyard, her backyard is two (2) wooded football fields away. Mr. Elentrio noted if you mess around in my bar the first time you get hollered at, then thrown out. The second time you are out for thirty (30) days, after that you don't come back. I don't take crap from no one, never have, never will. I run a good business. He spoke of how the inspectors held our feet to the fire every time. They red stickered us when we were supposed to be. They didn't when we weren't supposed to be. When everything was done right they gave us the approvals. They never gave us a break, nobody ever gave us a break, they were fair everytime.

Cncl. Pres., Daniel Teefy questioned approximately how long it would take before they would be ready to go. Mr. Elentrio noted we have about three (3) weeks of work once the Pinelands lift the "stop work" order. **Cncl. Pres., Teefy** advised we meet again near the end of July (*July 22nd*) if things move along at a quicker pace and there is a need for a "Special Meeting" please contact the Clerk's Office. Mr. Fiore questioned if Pinelands has given them a time frame. It was noted they tell us thirty (30) days.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

Solicitor Charles Fiore spoke with regard to an appeal that was submitted to council dealing with the Kanady application to the Zoning Board of Adjustment (*Certificate of Non-Conformance*). He advised that this does not fall under the jurisdiction of council. If appealed, the decision should be appealed in Superior Court.

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Twp Clerk, Susan McCormick advised council members on the status of the Verified Petition/Special Ruling with regard to Applebee's liquor license renewal application. Application has been submitted, fees have been paid and tax clearance has been received. However, council can take no action until the state grants the Special Ruling.

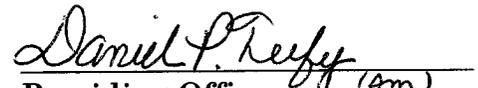
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of June 24, 2013. The motion was seconded by **Cncl. Marvin Dilks** and was unanimously approved by all members of Council.

Respectfully submitted,



**Susan McCormick, RMC
Municipal Clerk**



Presiding Officer (pm)

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of June 24, 2013 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 _____  _____ Date 7/22/13
Approved as corrected _____ Date _____