

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 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. Ronald Garbowski** led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson		Excused
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	(Arrived 7:15PM)
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	(Arrived 7:25PM)
Engineer, Dave Cella	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	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **Carriage Glen – Basin Report**
Odor Complaints, Detection of Methane
Other Components of Decomposing Materials

OEM Coordinator, Frank McLaughlin referred to his correspondence/report dated September 3, 2013 and then reported on what he had received on the subject matter. He explained that Fred Weikel, Zoning Official advised the date of his initial complaint was August 2, 2013 and Dave Cella of ARH was made aware of the situation on August 7th. Mr. McLaughlin then noted at that time his office became involved we went out to the location the next day. Fortunately, the hazardous materials team leader for the county was at the site and was equipped to conduct the testing; he was the individual who found all the

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

B.) MATTERS FOR DISCUSSION (cont'd)

readings referred to in Mr. McLaughlin's letter. After this initial visit and the pumping out of the basin had been complete, we revisited the site and we found no readings, no odors, we have received no further complaints and the wild life (*geese*) are coming back to the site and there were frogs and even fish in the pond. Mr. McLaughlin noted what our next step is, is to wait for it to come back, if it does come back then we will take another course of action. Mr. McLaughlin then noted he handed the matter back over to the zoning officer to follow up with Paparone and to date it seems like it is going well. Paparone pumped it down to just about one foot and as indicated above, the odor is gone. **Cncl. Pres., Teefy** questioned if once the level was brought down, could you still detect an odor. Mr. McLaughlin responded that the odor is gone, it went away. **Dave Cella, ARH** noted the dilemma he is having is that his understanding is you cannot smell methane, however you are coming up with traces of methane, and there is also a smell. He thought perhaps there may be something decomposing. Mr. McLaughlin noted that is what we are believing, that it is all naturally decomposing and it is creating the methane. What readings we are getting are below the over threshold so that is why one person can detect a smell one moment and another person at another moment. He also mentioned the old factory fatigue, if you smell too much of it you are not going to smell it anymore. You can smell methane but it has to be at 2,000 parts per million before you get an odor. **Cncl. William Sebastian** questioned the engineer if this was a retention pond or detention pond. Mr. Cella responded this is an anomaly as this basin was designed with a liner in it. It is supposed to act like a pool and it is always full (*wet pond liner*). The only way to get rid of the water is to pump it out, so there is always going to be water in this. **Cncl. William Sebastian** noted this property is in the Pinelands so how did they get a detention pond with a liner in the Pinelands. There was no response, he then noted if it is acting as a pool and you are pumping down to a foot you still have sludge, etc at the bottom and it is going to continue to decompose. Mr. McLaughlin noted with the water level being down, this is when we expected to smell it the most because if it is decomposing the water could be masking, and as the water goes up, the water could be pushing it out through the aerator. Again, Mr. McLaughlin noted since it has been drained we have not received a complaint. He will be monitoring this at least once a week and he will keep council apprised as to what is taking place.

Director of Public Safety, Jim Smart noted another problem, that being we are going to be left with this pond, forever. This contains both an electric and pump hook up to run the aerator 24/7. The unfortunate part is this is being left to the township. **Dave Cella, ARH** noted he is looking into if this aerator is covering enough surface area, you may need a second one so it is even compounding the issue. **Mr. Smart** advised this will get even more compounded in another month when the leaves that surround that pond end up in the bottom of it and we start this all over again. This will be a never-ending saga unless we can find a way to get to the bottom of what is going on. **Dave Cella** advised the way it is designed it is going to be more of lake management issue. Mr. Smart added and it will be ours as a township as there is no HOA. Mr. McLaughlin advised the aerator is off at this point, since they did the pumping it hadn't been on. **Mr. Cella** noted the developer owes us as-builds' to check and see if the basins are built correctly, that way we know it is functioning properly. Right now, the overflow is set in an elevation, inlets are set at

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

B.) MATTERS FOR DISCUSSION (cont'd)

elevations and he was not sure if they are holding more or less water than what they are designed for. As soon as the as-builds' are received, we can report on this matter. He advised that he believes all of the basins within this development have a liner and that this was the only development like this. He also noted this was initially designed to have an aerator however when the development was first built they did not put it in right away. Mr. Smart noted that when they started to build the back section (*been on hold for two plus years*) the new roadways started to drain into the pond and that is probably the biggest contributing factor. The odor began when that back section started to go under heavy construction, which was the road surfaces being put in. There was discussion on the exact area and number of homes where the smell was detected.

- **Salary Ordinance**

Cncl. Pres., Daniel Teefy referred to the salary ordinance (O:14-2013) scheduled on the regular council meeting agenda for 1st reading and which was discussed at the ordinance committee meeting of September 2, 2013. There was discussion on a "side letter agreement" which Mr. Heydel submitted to council. He noted he spoke with Sue Michelli, Local 1360 who reviewed it and went over it with her labor counsel. It seems they would like to delete the verbiage included in #1 which states: *Nothing in the current collective bargaining agreement shall limit individual hourly salary rates provided those rates are consistent with the terms and conditions set forth in any previous collective bargaining agreements.* They feel there is really no relevance to it. Mr. Heydel felt this verbiage (#1) really had no bearing, the important verbiage was included in #2 *The parties recognize and acknowledge that hourly salary rates may vary by individual and that the variations as reflected in the Township's Salary Ordinance and payroll records are consistent with the negotiated terms of the current and/or previous collective bargaining agreements.* However, he was having both our labor attorney and their labor attorney talk to reconcile this issue. If it is just over #1 he felt we could delete that. After the review, he will need a resolution to approve the "side letter agreement" at the next council meeting. Mr. Heydel noted if this is sufficient, we could move forward with 1st reading of Ordinance O:14-2013 this evening because we would schedule the resolution for approval prior to 2nd reading at the September 23rd regular council meeting.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

Dominic Burgese – B&B Auto Repair noted it had come to his attention that council had planned on keeping the two (2) towers now on the current towing list on for an extended ninety (90) day period and from what he was hearing it was for safety reasons. He added he has been towing since 1979 and there has never been a safety issue with any tower. He questioned why there is an extension of time for these two towers. Is it so that you can rewrite the ordinance to basically fit the two towers who are on the list?

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

Mayor Gabbianelli noted he agreed and that he would sue the township if he was Mr. Burgese. Mr. Burgese noted if this gets pushed to that issue, where we are not allowed to be put on the towing list or even be reviewed and you extend it for a reason that doesn't have a basis, there has been no safety issues, there has been no problems and he will bring someone in to state this. He then questioned who would vote on this either via resolution or ordinance and who would be in charge of saying we are going to extend it ninety (90) days. **Cncl. Pres., Teefy** explained council votes on both resolutions and ordinances and all council members would be responsible to vote on the extension. **Cncl. Pres., Teefy** noted what we are looking to do is, there are changes needed in the current ordinance and we don't have enough time for us to put it together and get it to the other towers on just what the new requirements are. Therefore, to be able to take the time needed to do that, not just rush it in, we want to extend this (*current towing list*) for ninety (90) days so we can put the new ordinance into place. Mr. Burgese noted that was not fair to the people who are not on the list now and who were not put on for a bogus reason or a minor technicality. It was not for an unsafe reason and we have never had a problem with response or anything. Occasionally, you will have incidents every now and then but no major responses; we have not had a problem. To keep it the way it is for ninety days you have one less year. He felt council should put it back the way it was and if you want to change it for the next rotation, change it. That way you have a year to get it through and it gives us time to meet whatever you say we need to have. **Cncl. Pres., Teefy** noted this is certainly in flux after the law- suit we had.

Tom Atack – Cecil Collision advised the problem is if this happens, you will have eight (8) new lawsuits. You have set the bar at \$1,000,000.00 and that is the way we feel about it. Mr. Bergese noted you would set the bar so high that no one can meet it except for the people on the list now because they got an extra \$100,000.00 this year, each for being on the towing list. He added that everyone made about \$30,000.00 per year so if you take seven (7) people off and give it to just two (2) other people it comes out to \$100,000.00 a piece, besides their \$30,000.00. They have made enough money to do it plus with the lawsuit that happened, you gave one of the towers enough money to meet any of the requirements you may have. Mr. Bergese continued saying the council is supposed to serve all the people, not just a few. Again, there has not been a safety issue so he could not see using the safety principle or response principle, it just feels like you are trying to set the bar high enough to get some people off (*towing list*). **Cncl. Pres., Daniel Teefy** responded that we (*council*) are not trying to do that, what we are trying to do is make the ordinance work for everybody, and right now, it is not working for everybody. There was a question posed, why was that? **Cncl. Pres., Teefy** noted because you guys failed. Mr. Bergese noted we failed due to a technicality. **Cncl. Pres., Teefy** noted technicality, whatever but that is part of the problem. He noted we did not want to have you guys fail that way but now, the way it was written you did not have a chance to put in the application and have it deemed incomplete and sent back to you. He expanded on some things council was looking into such as preparing a checklist to be submitted by October 1st so there is opportunity to have it reviewed so it can be codified by November 1st. Mr. Bergese noted the only reason his application was refused last year was due to the 15 day requirement, so if I replaced that mine should be fine. We know what you need and now you are going to change the rules so

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

we have to play a different game. Right now, we know what the game is, let's play that game. The mayor noted that he agreed with Mr. Bergese. **Tom Atack** noted that giving us another year off does not seem like a reasonable solution to that problem.

Cncl. Frank Caligiuri noted the original intent of the ordinance when passed by council some time ago was to spread the wealth around to a certain number of towers that were in town. With business being kind of tough, it gives each of the towers about a \$10,000.00 bump every time they wind up on the rotation. This is important in some cases because some of these guys are operating pretty tight. There is, at least, a possibility that we could lose some businesses in town. Another thing is the little requirements that we had way back when the applications came in were akin to public bid submittals. Meaning that in a public bid submittal you get a chance to make one submittal, the submittal can then be rejected for technicalities, it is a one-time deal. The reason they do that is because you are trying to spend tax-payer money (*reasonably*) and you have to give the bid to the lowest qualified bidder during a public bid and you don't want to give any particular bidder an opportunity to change the pricing around, if there is some impropriety in the bid process. This is an application process which is akin to any other application process, like when I apply for my dog license. If you get your dog license application incorrect someone will come back to you advising of what you are missing. **Cncl. Caligiuri** went on and noted we treated this application process (*towing*) a little bit like a public bid. When, in fact, it is an informational application and it could have been within the realm of possibility to just review these things and say you have thirty days to make corrections. Kind of what we did with A-Jack's, with improprieties on his submittal based upon zoning violations we gave him a period of thirty (30) days to make corrections. Now, he could have rushed to make those corrections because he had a zoning violation with respect to a bathroom, but we did afford him that opportunity back then, we did not afford anyone else those opportunities because we got kind of gun shy because we got sued in the process. He added he was just trying to be fair and reasonable with all of the towers, we should have given them 30 days to correct improprieties in the application, just like we did with A-Jack's. **Cncl. Pres., Teefy** noted we do not have that in the current ordinance, right now. **Cncl. Caligiuri** responded right now we don't, but we had the option because it was not a bid. The ordinance does not state that it has to be treated like a bid either, but that is the way we treated it. **Cncl. Pres., Teefy** noted it does not have anything in there that says you have thirty days. **Cncl. Caligiuri** noted it didn't say anything either way.

Cncl. William Sebastian noted the problem is that the ordinance is not specific with certain dates that certain things must be in by. **Mayor Gabbianelli** noted that council could have extended it, they did it before. **Cncl. William Sebastian** clarified what we did with A-Jack's (*because I remember, I brought it up*) was the fact that he was before the zoning board of adjustment trying to get his applications in to get his CO. According to the application he has one (1) year from the time of the resolution being signed to get all the other county approvals and things of that nature. His year was not up yet and that is when I brought up to the solicitor at the time that he was still before the board and under the obligation of the resolution. You can't hold the fact that he doesn't have that CO in place. Then immediately when the thirty (30) days was up and his one-year period was up, that

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

was when he was removed from the list because he did not do what he was supposed to do in that last 30 days. **Cncl. Sebastian** noted that he mentioned, on the record, at the ordinance committee meeting, that he did not care one way or another whether we do it via resolution for a ninety-day extension or just to go right into the regular process with the 1st of October because we are still going to be working on revamping the ordinance. If ninety days from now the ordinance gets changed; it will automatically replace the ordinance in place. **Director of Public Safety, Jim Smart** questioned when the ninety days begins, are we going to lapse into next year. Mayor Gabbianelli responded we are going into March of next year, if they are going to extend it ninety days.

Cncl. Richard DiLucia indicated as a point of clarification, his recollection was that during one of the legal battles there was a discussion with the judge that it was challenged about why we were able to extend the towing list even though there was not compliance (*indiscernible*). At which time the judge said, Ok I am going to let it go this time, but not again. His recollection on the advice that council received is that, if we get sued again the judge is not going to be forgiving if we extend the tow list, if they are incomplete. On that basis, there was a legal decision that council was faced, as there was a lawsuit going on at the time that would have compounded that lawsuit. So, on that basis because of the judge saying, "not again" we felt we were not allowed to overlook an incomplete application. Although I think, at the time, everyone on council would have loved to do it but there was a legal restriction placed on us. **Cncl. DiLucia** wished to have the record reflect this so that it is clear that when that decision was made, it was made on the basis of what we thought was legal and in the best interest of the township.

Cncl. Frank Caligiuri noted, if that is the case, and he did not really remember. **Cncl. DiLucia** again stressed that is the case. **Cncl. Caligiuri** noted that we can require a pre-submittal, thirty days in advance and final submission of all supporting documentation at a certain deadline. This is so that we have the opportunity to review it. He advised the solicitor as to what he was saying before he was present, that we treated the towing application process with the towers a lot like we would treat a public bid. Meaning that we had a deadline, it had to be there, there was certain documentation, if it was incomplete or inconsistent in any way it was rejected. The reason public bids are treated as they are is because you don't want anybody to change the pricing. You have to extend the offer to the lowest responsible bidder when, in fact, this isn't a bid process it is an application process. **Cncl. Caligiuri** felt, in light of the fact this has become such a complex application process, with letters from insurance companies and certifications and other things that have to be compiled, you know we are dealing with towers here, we are not dealing with chemical engineers. They are towers, they know how to fix cars, work with engines and tow vehicles better than I do. They don't know how to file applications that are complex, so his suggestion would be, at least let them submit thirty days in advance and give them notifications of their inconsistencies in the application process, since it is not a public bid. Give them the opportunity to remedy those situations and have a final deadline for completed applications with all supporting documentation. **Cncl. Caligiuri** noted there was another issue with respect to changes in the ordinance and perhaps the application should include a letter/waiver signed off by all the towers that says:

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

If you do not agree with the changes that are eventually passed your remedy to that would be for them to then leave the towers list. **Cncl. Caligiuri** continued you can't come to terms with something that is subsequently passed, because you can't contractually hold them to a moving target/changes by virtue of a subsequent change in the ordinance later on. He noted he was trying to be fair and reasonable because we are trying to spread the wealth around between all the businesses in town, we hope to keep them all open, we want no one to go out of business. So far, they have had virtually no incidents of safety. Not all of them will have brand new trucks, new equipment and all that but they need to get the vehicles off the road in a timely fashion. **Tom Atack** noted the problem, as we see it, is if you review it for ninety days and let's say you come back and say you need three trucks, how long would I have to buy two trucks? **Cncl. Caligiuri** said if there is a subsequent change in the ordinance during the course of a year, if you sign a waiver during the submittal process that you are going to comply with the existing ordinance then your remedy for changes in the ordinance later on is to either comply with the subsequent changes or withdraw from the towing list. **Tom Atack** again noted our problem is if you run this thing out for ninety days, you will already be into February. You are not going to change it and they will be on for another full year. **Cncl. Caligiuri** noted he is suggesting we pass it the way it is and let the application process go and going into the next year do the change. He felt this was fair for the township and the towers.

Cncl. William Sebastian requested a point of clarification, through the solicitor. If we do not pass the resolution asking for an extension of ninety days, the alternative is to continue with the ordinance that is in effect. The solicitor noted, correct. **Cncl. Sebastian** then noted this means that all paperwork must be in by November 1st. However, there is nothing that says they can't submit early (*October 1st*) to be reviewed prior to the submittal date so that in the event a tower's submittal is incomplete or incorrect they could be notified in time to rectify any deficiencies. **Tom Atack** noted we are willing to pay for that. If you want a police officer to review it then I am willing to pay for their time. **Solicitor Fiore** noted that was not the issue, the issue here is the application process. The single most thorn in side for the municipality dealt with the issue of (*whether tower #1 or #10*) being in compliance with zoning and construction. He then suggested we amend the application to indicate that they are going to certify that whatever their business is they are in full compliance with all zoning, etc and the burden will be upon them. Also, they can be removed from the list "*with notice*" if it is determined they are not in compliance (*both Solicitor Fiore and Director Smart will review application process*). In addition, there should be a much clearer plot plan submitted at time of application. The solicitor noted we went through ringers this year trying to determine the actual location of the property, and the block and lot. Mr. Fiore stressed that Director of Public Safety, Jim Smart must make sure that someone in the police department is going to immediately be responsible and move upon this. He felt the police department, based upon the thought that the list was going to be extended for ninety days, is not aware that someone immediately has to be responsible for the application process. This will have to be moved upon quickly. He noted years ago the issue was that there was a change in the guard and nobody knew who would be handling this for the police department. He does not want this to become an issue again. **Cncl. Frank Caligiuri** then noted that we should notify them to make their submittal on

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

October 1st and give them fifteen (15) days to remedy any inconsistencies and notify them of this. The solicitor advised that council is not required to do this, it is being more than generous. However, you are giving it one last opportunity. **Cncl. Caligiuri** noted it just became so complex. Mr. Fiore noted it really did not. There was then discussion on the 15 -day insurance issue. Mr. Fiore explained the point was that one of the towers said you were not allowed to do this under NJ law. You could, in fact, do this under the law, in fact there were three (3) carriers that said you could it. Again, we are working on the process, let's just modify the application/submittal the burden is going to be NOT upon the municipality, the burden will be upon the APPLICANT. Mr. Fiore went on to indicate it is somewhat like a bid, and he felt you cannot compare it to a rabies vaccination certificate because in this case you are putting vehicles on the roadway that have to have \$1,000,000.00 in coverage.

Cncl. Richard DiLucia noted he did not have a problem with what the solicitor just said but going back one of things that we were trying to do at the beginning was raise some revenue. This has not been decided upon as of yet and just because someone came in and was an advocate for a towing association and said we can't do something, I do not accept that. If there is a way that we can raise some revenue because of the tax situation, we should continue to pursue this. If we do decide to go in that direction, this isn't a twelve month guarantee. It would be a month by month proposition. **Cncl. DiLucia** noted he did not have a problem with not preventing the towers from taking whatever rotation they are entitled to but he did have a problem with setting aside the discussion of raising revenue for a one year period, because that was the driving issue behind these discussions. Again, because this gentleman from a tower's association came in and said towers are considered "*first responders*", which he did not know if anybody was aware of, and then started laying out all the additional roadblocks, this is when we took a real hard look at what the process was going to be. Adding this was because again everybody is looking to sue us. So one of the things we are looking to do is kind of like a balancing act to do what is right for everybody and protect the township and its taxpayers from another \$1 or \$2 million dollar lawsuit, whatever the case may be. **Cncl. DiLucia** stressed this is the dilemma we face and another thing, as far as the discussion on where we are going to go on revenue as far as I am concerned this is not yet finished. He noted he would go along with the suggestion of letting that list roll but not guaranteeing it for one year. **Cncl. Pres., Teefy** questioned if **Cncl. DiLucia** was in favor of the ninety-day extension or going with the current ordinance. **Cncl. DiLucia** got a sense that council was trying to open the towing list for everyone beginning January 1st, so that everyone can go back on whatever rotation, he had no problem with that. He did have a problem if in doing that it would end the discussion about raising revenue for another fourteen months.

Cncl. William Sebastian noted we are still going to review the current ordinance; we have to. Not only just for the fact of coming up with revenue but the issue dealing with first responders and the safety issue, state statutes we may not be in compliance with. These are some reasons why we have to get into the review of this ordinance deeper than we had anticipated. It wasn't just a simple thing of coming up with the insurance (*15 day provision*) there are a lot of other things involved. He noted he was not aware of the fact

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

they were considered "*first responders*" but it came up in a statute and Title 39 that these people are considered such because they have to clear the roadways. The solicitor interjected that he felt this might perhaps be propaganda from the tower's association. He tried to compare them to rise to the level of being "*first responders*". **Director of Public Safety, Jim Smart** noted since we started this review in January I have read at least three different towing ordinances and articles and not once does this "*first responder*" thing come up in any of those conversations. However, we talked about this in January and February and we did nothing since, why are we going to punish the guys that are out there because we did not move on the ordinance. The mayor then added, that was right you are sitting here in September and you didn't do s--- and now it is everybody else's fault. We knew we had to act on this ordinance, I mean we discussed it and discussed it and discussed it. **Mr. Smart** noted we did, we talked about it January/February then a couple other things took precedence and it kind of slipped into the background. But now it has come to the forefront in the twelfth hour and now we want to push it off for ninety days. We can fix the ordinance and still make the timetable, even if we have to push that application back to December 1st. **Mr. Smart** stressed that he did not know why this is still being reviewed in September. **Cncl. William Sebastian** advised that the attorney through the MEL who represented the township, Chuck Austermuhl, told us that we could not address any issue on the towing ordinance while we had active litigation in process. As soon as the case was settled we were moving on it. That was the issue because we talked about doing this back in February and we were told, you have ongoing litigation and you can't touch that (*towing ordinance*). **Cncl. Caligiuri** noted we could have talked about it then implemented it later.

Cncl. Richard DiLucia noted that perhaps he was missing something but to him the delay came about because council decided to go in another direction. That direction was to create an ordinance that would put it out for bid. That is the direction, and the minutes will verify this. There was subcommittee meetings, etc. and the whole idea was to raise money, with discussion on how we were going to go about that. All this was going along until somebody came in and made a presentation; I did some research, and looked into his membership and the only member he could find was one tower in this township. It was apparent to him that he had some agenda. **Cncl. DiLucia** added he just wanted to get this straight and he did not have a problem if we want to move forward and get everybody's application in and start the rotation with ten people by January. He stressed he wanted it clear that we still have not dismissed the discussions on whether we want to put this out to bid. He felt we are duty bound, based upon a 9% tax increase last year, to look at some way to put some revenue into the treasury. Until those discussions are exhausted, I think that the towers ought to understand that the ordinance doesn't guarantee the rotation for a year (*going forward*). **Cncl. Pres., Teefy** stressed he knew what **Cncl. DiLucia** would like to change but here we are at the eleventh hour and we said, all in agreement, at the last ordinance meeting we should extend for ninety days. None of this discussion was had about what Frank is talking about. It was extended (*current towing list*) so that we can get it right. Once you do not extend it and come November 1st when applications are due you are in for the whole year. **Mayor Gabbianelli** questioned the solicitor, if the ordinance gets changed and it becomes effective July 1, 2014, they have to comply as of that date.

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

Mr. Fiore explained you would have to give them advance notice. There was then much discussion on compliance to a new ordinance and the amount of time it would take to have it approved and put into place. The mayor noted leaving the current ordinance in place while reviewing the information to amend would be best. This way these guys can get back, they get their stuff together, get back on towing (*whoever wants to get back*) and then whatever changes become effective they would have to conform to it.

Tom Atack spoke and noted the guy you were discussing has delusions of grandeur. He is making this thing into a *first responders* and clean bathrooms and OSHA and things of this nature. We are the clean-up guys, we come in and clean up the bloody gloves, bloody stuff off of the highway and we clean and sweep up, place it in bags and we do not get paid for disposal of these materials. We end up stuck with the cars, we do not get paid for the cars we get stuck with. We serve the township and a lot of times for free. We are not complaining, it is part of the job to service the township. We are not *first responders*, we are towing guys, we go out and clean up the mess everyone else makes. What guys like this are trying to do, is to raise the bar so that only certain people can do it, and we know who that person is. The mayor noted there are accidents when a tower does not get called for an hour or so after the accident, due to the scene. They have to sort the scene out, figure out what is going on and sometimes do not want the cars moved, especially in a fatal.

Cncl. Pres., Teefy indicated there was a resolution before council for approval this evening, either move forward and vote on it or we can remove R:173-2013 from the regular council meeting agenda, moving forward with the current ordinance making changes to it at a later date.

Cncl. Frank Caligiuri made a motion to remove R:173-2013 from the regular council meeting agenda. The motion was seconded by **Cncl. Ronald Garbowski**. It was the consensus of council members to remove Resolution R:173-2013 from the agenda.

Dominic Burgese then questioned when we submit our applications; someone will go over it with a fine-toothed comb. How will I find out if I don't have something that is required or if it is brought to someone's attention through another tower do I have time to correct it. He spoke of a zoning issue and Mr. Fiore advised him to contact the zoning official tomorrow. Mr. Burgese noted that he wrote a letter to him on June 1st asking if he had any violations or if there is any reason....., never received an answer. Mr. Fiore recommended that Mr. Burgese request a copy of his entire file from both the zoning and construction offices. Mr. Burgese then questioned, if in the event they do find something missing and it will be tied up until after November 1st which is the application deadline will I be able correct it or will I be off the list. The solicitor explained that based upon what the state court judge has done in the past he felt there would not be a basis on which council could extend it. Mr. Burgese then questioned why A&A was allowed to correct his and still be on the list last year. Mr. Fiore advised that in 2004 that gentleman moved forward thinking he had every approval from the municipality, it was an error on behalf of the municipality. Mr. Burgese then noted he has letter from the construction office saying I am in compliance, now does that cover me? Mr. Fiore responded, it should.

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

Mr. Burgese noted because of what happened last year they wrote me a letter saying I wasn't in compliance, they said I didn't have a CO. He immediately questioned this and here my nephew, who lives next store with same last name whoever researched it saw that he never got a CO for his place. It wasn't the same address, it wasn't the same thing and he said don't worry about it. At that time, I said no, you gave me a letter stating I was not in compliance, I want a letter saying I am in compliance. Mr. Fiore advised that he check that he has all his CO's. Mr. Burgese advised my CO was issued in the '70's, I have been there since 1979. **Cncl. Pres., Teefy** suggested that he start the process tomorrow. The solicitor also advised to send a letter to Mayor and Council regarding a response to his letter.

Dominic Burgese then spoke on the reason why he was before council. It was because that ordinance was originally changed due to A-Jack's taking Monroe and Hogbin's towing and he was doing three (3) rotations at a time. The only way to stop that, at the time, was to change the ordinance and that is why the vengeance has been the way it is. The solicitor clarified noting we thought we were working forward for a better ordinance.

Cncl. William Sebastian requested through the chair to the solicitor that he put together a check list that is in compliance with the ordinance that is in effect. Because what is going to happen is, we will need a checklist so that when they bring in their stuff we (*council*) don't tell them you are not missing something, when in fact they are. Mr. Fiore noted someone in the police department should be reviewing the checklist because council does not want to get involved in the review of the checklist. **Director of Public Safety, Jim Smart** noted that unofficially that was turned over to the police department two years ago. He added that the ordinance states that is to be reviewed by the Chief of Police or his designee. Mr. Smart indicated he would contact the Chief on this and determine whomever he wants to pass it down to. He added if the applications are submitted on November 1st then it is, what it is. If they get them in by October 1st, we have time to look at them and Mark Burton is very good at sending letters back out.

Irene Stiles - Streams of Life Fellowship approached council regarding Resolution R:163-2013 (Resolution Authorizing Cancellation Of Property Taxes For The Streams Of Life Fellowship Church (*previously Tabled 8/26/13*)). She spoke of an email she received stating one of the reasons the decision of whether to waive or not is pending on the fact of whether or not we were currently using the property as a church. She noted we could have service in there tomorrow, if we were allowed to, as everything is fully functioning. But due to the situation we are in because of the process you have to go through (*Pinelands, etc.*) what we have to do in the building is only a two-week project (*walls, construction*). Mrs. Stiles noted by the time they follow all the rules it seems like a Catch 22, listening to what everyone says it is mind-boggling. In trying to do the right thing, it seems you are being penalized. She was just putting this before the council to see if there was anything that could be done. She referred to their initial letter concerning when you purchase property and you are a non-profit a \$15,000.00 tax bill is crippling to your budget, that is more than what our whole renovation process is going to be.

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013

C.) PUBLIC PORTION (cont'd)

Again, she was asked if there was anything else that could be done about petitioning to waive those taxes.

Solicitor Charles Fiore responded that the law states you have to actively be operating as a church in order to be eligible for the tax exemption. He noted all the other issues leading up to this are part of the issue but Council's hands are tied by the state statute. Mrs. Stiles noted the day we brought it, we had a meeting in there. Mr. Fiore explained you must have a CO and that is part of what the problem is. The process is what kind of put of us in the situation we are in and it seems kind of unfair. Mr. Fiore noted, Council's question to him is can you grant it? Legally, you can not because you have to be actively operating the church via the CO, adding this is unfortunate. Mr. Fiore questioned have you applied, it is not zoned for a church? Mrs. Stiles advised we can not do anything because we are tax delinquent. It is a permissible use and there is a technicality to go through, it is not anything that has to be approved. She went on to explain we brought the property in March, then found out you are liable for taxes and we were thinking you paid your taxes through the fiscal year then found out no, that was not the case. Mrs. Stiles noted we did pay the first quarter taxes we are just asking about the last two quarters. She then went on to another matter, that being to see if we could apply for a payment plan for this quarter, then hurry and get our CO and perhaps apply for a waiver for the last quarter taxes. **Cncl. Pres., Teefy** explained what they would like to do is take the August 1st due amount and put that in a payment plan and then hopefully, by November 1st they have the CO and can get a waiver as they will be operating as a church. Mr. Fiore explained, the only problem is that the MLUL statute says the taxes must be *current*. The question is if they are entering into a taxpayer's agreement are they current. Mr. Fiore did not know what the terms would be, the tax collector would have to be on board with that. Mrs. Stiles noted the only issue is the tax issue because we can't pull permits so as soon as we have a letter settling our tax issue we can pull the permits. Then it has to go back to Pinelands. She emphasized Pinelands is approved and they were told that once they have their permits they must send them back to Pinelands. There seemed to be some confusion at this time.

Gary Stiles - Streams of Life Fellowship spoke and noted the impression they were under was that Pinelands had said we have to apply to them so they can prove "change in venue". We have done that, it has taken sixty days in order to do this. Now, what has happened due to the tax issue that has come into play, we are trying to resolve this issue and we found that zoning will not finalize the approval and we can't pull permits. He added he has spoken with permitting and they want an architect involved in this and all we are doing is building three or four walls. Mr. Fiore explained, that is a different issue, you can get a zoning permit without paying taxes and you can pull a construction permit. He questioned who advised them you need to pay your taxes in order to get a zoning permit. Mr. Stiles noted it was Dawn. Mr. Fiore then noted you must need some sort of approval before either the zoning or planning board. Mr. Stiles noted we have submitted paperwork to zoning and we have a meeting on the 26th with the Planning Board in order finalize this, he thought that was for the waiver of site plan. We are not constructing anything; it is all internal to the building. Mr. Fiore indicated that was a little bit different, that is why he

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013**

C.) PUBLIC PORTION (cont'd)

wanted to clarify this. He explained you will need a waiver of your site plan and that is why your taxes need to be paid, not the fact you are going to apply for a permit. There is quite a difference between the two. I could go as a homeowner and pull a permit even if my taxes are not paid. Your issue is more complicated in that you need waiver of the site plan. Mr. Fiore explained, if you are going to do a payment plan you need Joan to do all the paperwork for that to be scheduled for the next regular council meeting. He would ask the Planning Board to keep this matter on the agenda for September 26th pending the approval of the tax payers agreement. He stressed council is trying to help you out with the tax payers agreement being scheduled for meeting of September 23rd. He again noted you must have your site plan waiver in order to apply for permits. He again explained the process under the MLUL and we are bound by state statute. Mr. Stiles noted they were here in the hopes of expediting all this. Mr. Fiore explained again, tonight there is nothing to do but if council is going to entertain a taxpayer agreement that would allow you to put the third quarter taxes into a five (5) year payment plan and you apply for a waiver of taxes for the fourth quarter you may be active. However, you will may not be an active church in the fourth quarter and what will happen then. Mrs. Stiles noted, for clarity, if we get approval on the 26th from the Planning Board, then it will take two (2) more weeks before we can pull permits. Mr. Fiore noted that will happen at the Planning Board level because they have no way of knowing what they will do that evening (26th) so there will be a resolution placed on the record. Then, their solicitor will prepare the resolution for adoption at their next meeting, that is the formal written resolution which you will need to get your permits. Mr. Stiles questioned once we have secured our permits can we start renovations while waiting on the Pinelands, the mayor noted, yes as it is all interior work. Mr. Stiles noted we are trying to get into this building and we are coming upon roadblock, upon roadblock and we know you have to go through this, to get this done. The final question, if we get our permits can we construct. The solicitor indicated, perhaps depending if everything is in line. Mrs. Stiles again questioned, when we are applying for the waiver on the last quarter taxes, how long do you have the ability to waive those taxes. It was noted it would be a one-time wavier. Mr. Fiore indicated they would have to look at this to see if both the waiver and the tax-payer agreement could be done together. There was much confusion on this with discussion back and forth. Mr. Fiore noted we have all your information and someone will get back to you. They thanked council for their time.

Cncl. Marvin Dilks made a motion to close the Public Portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by council members in attendance.

D.) NEW BUSINESS/MATTERS - None

E.) OLD BUSINESS - None

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 9, 2013**

F.) COMMITTEE REPORTS

Cncl. Ronald Garbowski reported a meeting of the Administration Committee was scheduled for last Thursday, September 5th to meet with Ms. Ognissanti. She was contacted via phone calls and emails in an attempt to schedule the meeting and to confirm by 3:00PM on Thursday. We did not hear back from her by 3:00PM and Sharon was advised to contact Ms. Ognissanti and notify her the meeting was cancelled as there was no response by 3:00PM and Cncl. Garbowski was out of town and needed sufficient time to get back. **Cncl. Pres., Teefy** questioned if another meeting is being rescheduled. **Cncl. Garbowski** noted he would definitely look to reschedule and Ms. Ognissanti will be notified to determine a mutually convenient time.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Ronald Garbowski** made a motion to adjourn the Council Work Session of September 9, 2013. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of September 9, 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 AmJ Date 9/23/13
Approved as corrected _____ Date _____