

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
SEPTEMBER 23, 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	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Pres., Daniel Teefy	Present	
Mayor, Michael Gabbianelli		Excused
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann, ARH	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **O:16-2013** An Ordinance Of The Township Council Of The Township Of Monroe To Amend Chapter 69 Of The Code Of The Township Of Monroe, Entitled "Police, Division Of"
- **O:17-2013** An Ordinance Of The Township Council Of The Township Of Monroe To Amend The Code Of The Township Of Monroe Establishing Rates Of Compensation To Officers And Employees Of The Township Of Monroe

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B.) MATTERS FOR DISCUSSION (cont'd)

Cncl. Pres., Daniel Teefy referred to the above referenced Ordinances and how they were scheduled for formal discussion prior to them being placed on the Regular Council Meeting agenda for 1st reading.

Business Administrator, Kevin Heydel spoke of the "*Property and Evidence Custodian*" title (*Ordinance O:16-2013*) and explained the purpose of this is so that we can have someone dedicated and managing our property and evidence. Many municipalities are going with this or moving in this direction under the guidelines of the State Attorney General. **Cncl. Pres., Teefy** questioned what takes place on off hours when this part time person is not here and there is a locked evidence room. The solicitor advised that generally, what happens is, there is a time-period when it is open, and each particular platoon has a lock box. Now let's assume there may be evidence confiscated in the middle of the night, they would place the evidence in that lock box and in the morning the custodian would come in and open that lock box. He further explained there would be two (2) boxes, one for the immediate disposition of the evidence and when that person came on duty, they would then transfer it to permanent evidence. **Cncl. William Sebastian** noted the evidence locker looks like anyone of our attics, stuff goes in, and never comes out. So, he felt it was a situation where they have to go through, check the records, find what is pertinent to cases and what can be disposed of and maintained throughout. It is all part of the police department obtaining their certification through the state. **Cncl. Walter Bryson** questioned exactly what a certification would give us as a township. **Cncl. Sebastian** noted it is an accreditation indicating the police department meets certain state requirements. There are many departments that do not have the accreditation, which means they do not have all their ducks in a row as to what the state requires. As far as police duties are concerned, it has nothing to do with the duties or the number of officers within the police department. It is on the record keeping, the maintenance of their evidence trail, etc. Cases could be thrown out because the evidence was not handled properly and by doing it in the accreditation way it alleviates that problem. **Mr. Heydel** noted it basically deals with policies, rules, regulations, standard operating procedures, etc. Anything of this type helps toward accreditation. **Mr. Fiore** noted it is creating a "standard" and **Mr. Sebastian** was jokingly talking about how the evidence locker looks like somebody's attic and to some extent it does, but when you are dealing with narcotics, monies, electronics, etc. they are all bagged and tagged and logged in properly. There may be other stuff that can hang around for months, like bicycles for example, stuff like that may be discarded or put aside and there is a statutory requirement that after six months we must properly dispose of them. From a liability standpoint and most importantly, from a law enforcement standpoint we are maintaining the chain of custody and preserving the evidence in the proper fashion. **Mr. Fiore** stressed that up to now, there have not been any problems in Monroe with losing cases because of evidence being lost, and again it is just creating a standard following Attorney General Guidelines. Other towns, unfortunately do not follow the standards, emphasizing we have followed the standards this is kind of raising it to the next level. **Cncl. Pres., Teefy** felt that perhaps the accreditation may help with receiving grants, etc. down the road. **Cncl. Ronald Garbowski** questioned if this would be a totally new position or is it being filled by one of the existing officers.

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B.) MATTERS FOR DISCUSSION (cont'd)

Business Administrator, Kevin Heydel responded that it would a new part-time position and most likely filled by a retired police officer, someone who is familiar with the terminology and knows the process. This would be a twenty-four (24) hour a week position, there may be a little more time in the beginning as there will have to be a full-blown inventory conducted, and eventually possibly go down to about twenty hours. **Cncl. Richard DiLucia** questioned if this would be just a straight part time position with no health benefits. Mr. Heydel responded yes. **Cncl. Pres., Teefy** then questioned Salary Ordinance (*Ordinance O:17-2013*). Mr. Heydel explained this is being done separately for this year as we are ready to go into 2nd reading on the all-inclusive Salary Ordinance. This title will be incorporated into the master list (*salary ordinance*) next year.

Cncl. Ronald Garbowski made a motion to move both Ordinance O:16-2013 and O:17-2013 forward for 1st reading at the regular council meeting. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by the members of Council in attendance. Ordinance O:16-2013 and Ordinance O:17-2013 was forwarded to the regular council meeting for 1st reading.

C.) PUBLIC PORTION

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

Mike Jacobi, Chief Williamstown Fire Company and tax payer approached council to speak with them on the attendance of both the WFC and Cecil Fire at the annual Fireman's Convention in Wildwood, NJ. He advised we had thirty-four (34) people in attendance and Cecil had about fifteen (15). Chief Jacobi noted when they returned from the convention people were bragging to the members that they were making over \$50.00 per hour working for the ambulance squad that weekend. He noted it was fine and dandy if the township wants to pay the squad but you must realize my guys don't get a break or get a chance to have someone just cover the fire company, when we have to attend this convention. We must attend this convention we just can't say we are packing up for the weekend and we are closing the two fire houses. He questioned if it was true that the people covering for the ambulance squad were making double time. **Business Administrator, Kevin Heydel** advised on Sunday they receive double time and time and one-half on Saturday, that is in the contract. Chief Jacobi questioned the necessity of covering the squad and what their business was down there. Mr. Heydel responded he did not know what their business was. The chief noted his budget was strapped and I asked last year about AP's and Mr. Sebastian agreed that \$1,000.00 extra was (*indiscernible*). Now we are talking about a lot of money to cover the squad to go down to the convention, that is a fireman's convention. Chief Jacobi stressed this no pun at the squad, at all because trust me if I could pay someone to sit in my station and not worry about the town, I would be fine with it. But there is money right there we could probably be using somewhere else. He went on to note he just put out \$5,200.00 in school hand outs and I think that should come out of the fire prevention budget. Long story short, he felt there is a

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C.) PUBLIC PORTION (cont'd)

lot of mismanagement of certain little things here that add up. He was unsure how anyone could fix it. Chief Jacobi also noted there were a dozen calls and a funeral to attend and there were still two crews in town, as they are aware that everyone cannot go to the convention. Mr. Heydel noted you also have 200 members, compared to their thirty (30). **Cncl. Sebastian** also noted and making 300 calls against 2500 calls. **Cncl. Sebastian** also noted that if the volunteers decide to go down to the convention and there is no coverage by the paid crew, then it would go to mutual aid, we would go to the county. There are different ways we can look at it. Chief Jacobi hoped council understood his point of view and urged them to put themselves in his shoes and questioned how this was fair, at all. It is kind of a smack in the face to his guys. They have too much pride to just pack up and close the station. Chief Jacobi stressed he was not pointing fingers at the squad, at all. **Cncl. Sebastian** noted he gets it from both sides and I am not leaning toward one side or another. I have known guys with the fire department for 34 years and he has worked with the squad for 34 years. I never had a problem with a fire fighter, the issue is you get responses like you just said, but then I hear from the ambulance squad saying, wait a minute if the fire department gets paid if they send somebody to EMT school why don't we get covered if we want to send someone to fire-fighters school. The arguments get to be picky-un but he did understand where the chief was coming from, especially with regard to the budget as he sits on the budget committee. If it comes down to not having the paid crew cover, mutual aid will cover, the township will be covered. Discussion continued back and forth with Chief Jacobi again referring to the budget, noting that he reviews it and every number is tight. Next year, he felt it may be time to look at some kind of accountability system as it relates to purchasing and say you are the Fire Marshal/Fire Official you should make sure you are getting the best prices. He is not saying create a new position but maybe add a job title or do something so that everyone is on the same page and we know that Monroe is getting the best bang for their buck and no one is getting something over on someone's else budget. **Cncl. Sebastian** added, that a couple of the people who were working the overtime for the ambulance squad were firemen. Chief Jacobi noted he just wanted to throw this matter out there as it has been bothering his guys so he felt he should come before council to discuss it. **Cncl. Pres., Teefy** indicated he felt we should be working with the Director of Public Safety to advise him of things we may want to look at. **Cncl. William Sebastian** explained the ambulance squad does not have enough volunteers to cover a weekend, if a number of volunteers go to Wildwood for the convention. They take the old rescue down to compete and participate in the parade. The convention isn't what it used to be and a lot of people are not attending. However, if those individuals who are *volunteers* are not getting paid to be here, decide to attend the convention we still have to cover the township. Mr. Heydel was covering it with the paid crew to make sure we were covered. **Cncl. Sebastian** noted he had no problem with that as far as coverage is concerned because if we go to mutual aid (*county people*) it may take them longer to get here, if they don't put a truck in our building. There is some advantage to having the coverage in-house. Mr. Heydel explained the other advantage (*in-house*) is you are receiving money for these calls, if you go to mutual aid you are not getting any money, you lose more money. If you receive fifteen calls at \$500.00 per call, for what you are paying the people, it is peanuts for what you bring in over the weekend.

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C.) PUBLIC PORTION (cont'd)

He added the only time we do coverage with the paid crew is the convention and their annual dinner that is two times per year where they request coverage.

Mary Cote, 1710 Biden Lane approached council members concerning Resolution **R:172-2013 Resolution Authorizing The Township Of Monroe To Enter Into A Settlement Agreement With Westchester Fire Insurance Company And Pantarelli Homes, Inc. For Completion Of Site Improvements At Serenity Woods** approved at the September 9, 2013 regular council meeting. It was her understanding that the agreement was sent out for signature and she was inquiring when that would be available. Solicitor Fiore indicated he would have a signed copy forwarded to the Clerk's Office.

Ms. Cote also spoke on Resolution **R:169-2013 Resolution Of The Township Council Of The Township Of Monroe Supporting The Creation Of A "No Passing Zone" On Route US 322** also approved at the September 9, 2013 regular council meeting. She questioned the need for a resolution when there is already double lines there. It was noted they were just trying to extend the "No Passing Zone" more toward Glassboro. She also posed a question with regard to Blaze Mill and if there was a way to extend the no passing zone along Rt. 322 at the intersection with Whispering Woods Drive. **Engineer, Chris Rehmann** noted that Dave Martin, with the Bureau of Traffic Engineering has indicated that he believes the markings are correct and they will stay as they are. Ms. Cote questioned, even with Blaze Mill and the 250 townhomes and 15 acres of commercial property. Mr. Rehmann noted that may change the dynamics down the road.

Ms. Cote again spoke with regard to Blaze Mill indicating the Mr. Paparone, who owns the corner, continues to have his equipment not far from the bike path off of Fries Mill Road. She spoke with Mr. Weikel inquiring how he could continue to have them there, when really it is not an active work site. She elaborated that Mr. Paparone has not built in Hunter Woods in seventeen years; the last time that equipment was used was when Serenity Woods was put in back in 2007. Ms. Cote questioned how does a developer get away with having an active work site, if you look at the five or six lots still available in Hunter Woods there are no for sale signs, just cable wires hanging out all over the place. He has been asked to cut them so how exactly does he get away with this. There are trucks and trailers at the location, she was not sure if the equipment was even registered or licensed. She questioned who is accountable for this. Ms. Cote noted that her response from Mr. Weikel was that he contacted Paparone and he spoke with a representative who advised him that this was still an active work site. Mr. Fiore indicated he would speak to Mr. Weikel on this. If it is not an active site then they should be sent a notice to remove the equipment from the site, unless of course there is some sort of document showing there is an active work site within the four corners of Monroe Township. **Cncl. Sebastian** posed a question, can we tell a landowner that they cannot put licensed vehicles on their property. Solicitor Fiore indicated you must look into it, if it is a residential property with commercial vehicles there then they are for a commercial purpose. He added he would speak with Mr. Weikel personally to see what his opinion is.

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C.) PUBLIC PORTION (cont'd)

Jack Simmermon – A-Jack’s Towing & Recovery approached council noting he was unable to attend the meeting of September 9th and he wished to speak on a few matters. One was Cncl. Caligiuri’s comments that the towing applications were somewhat complex and we are just tow truck drivers. Mr. Simmermon commented that he was the tow truck driver that passed the class. He noted certain areas (*six things*) contained in the towing ordinance that must be submitted for consideration. Insurance Information, Hold Harmless Agreement, Certificate of Insurance (*Monroe Township named*), list of vehicles being used, light bar permit, and a diagram of your property along with pictures of your trucks. He questioned just how many people had a problem with submitting this. **Cncl. Frank Caligiuri** noted when ten people apply for something and only two people pass it is sort of like when I taught class before and only a limited number of people can pass the class, you question the teacher. He noted his opinion was, apparently, there was a problem with the nature of and the way the application was filed. When I teach a class and 80% of the people fail, I question my ability to teach a class. My opinion wasn’t that there was anything wrong with tow truck drivers, believe me, I respect people with CDL licenses, because I can’t get one. This isn’t a bidding process it is actually an application just like I file an application for a dog license, and if I am missing a rabies certificate someone contacts me on that. He noted the only thing he suggested is that we try to be fair with everyone and give all the opportunity to submit an application. If it is that easy (*as Mr. Simmermon presented*) and people can’t do it then you are right and I would absolutely agree with you. Again, he reiterated when 80% of people in my class fail a class, I feel I did something wrong as a teacher.

Cncl. William Sebastian noted how Jack (*Mr. Simmermon*) had mentioned a good point about there being a punch list. However, that was his interpretation of it being a punch list, but it is not a punch list as far as it relates to the ordinance and the way it is written. What is happening is that different towers may have different ways of viewing the ordinance. So, it was asked that the solicitor put together a “*punch list*” so that we have this for reference in the future. The information would go down to the police and they would do their check of the listed items and sign off on it, then the tower would sign off on it as well, to maintain the fact that yes, we did or did not meet the requirements of the punch list. **Cncl. Sebastian** continued on saying what had been happening in the past was without that written “*punch list*” the people were interpreting the ordinance in different manners and then saying, “*I didn’t realize I needed that*” then we were trying to justify the fact by saying well, that is what we meant thus creating a back and forth situation. Now, with the solicitor coming up with that “*punch list*” it should alleviate that problem. He noted we had an ordinance on the books as Cncl. Caligiuri referred to and suggested rather than moving forward with a continuation of the existing list that we go forward with the ordinance in place and go through the proper application process. **Cncl. Caligiuri** then noted there has to be a modification of the ordinance (*portion inaudible*) and he indicated he was just trying to be impartial and to be fair, just calling it the way he sees it. **Mr. Simmermon** noted when you pick up an application from the police department they give you a punch list, so Chuck does not have to make a punch list. **Solicitor Fiore** advised last year there was a punch list however he is currently working with Officer Burton, who has been assigned by the Chief of Police, on slightly changing/modifying the punch list.

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C.) PUBLIC PORTION (cont'd)

Mr. Simmermon then questioned, if they can't fill out basic paperwork how do you know if they know how to use a tow truck, just because they have been driving it for twenty years? He then added if you take Tommy and I out of the equation, because we have brand new trucks, does anyone know the average age of a truck in this town (*other 7 towers*). Mr. Simmermon noted the average tow truck is twenty five (25) years old, taking both himself and Tommy out of the equation. We don't keep fire trucks for 25 years, we already know that Pierce told us about six months ago that fire trucks are good for about 15 years. They are brought brand new and stuck in a heated garage. These tow trucks are out in the weather, pretty much 24 hours a day, 7 days a week. We have trucks running up and down the road that are 25 years old (*average*). **Cncl. Walter Bryson** noted that he restores antique cars and some of those cars are in much better shape than cars on the road today. So, if a tow truck is well maintained it should be out on the road. There is nothing in the ordinance, nor should there be anything in the ordinance as long as the person maintains the vehicle. Mr. Simmermon argued that we are not talking of an antique/classic car used a couple of times over a weekend that has been restored. We are talking about trucks going up and down roadways doing emergency tows. **Cncl. Bryson** questioned if the tow trucks are inspected when the person signs up to be a tower, yes or no. Mr. Simmermon suggested that perhaps you take a look at federal inspections. There was a then a brief dialogue between Cncl. Bryson and Mr. Simmermon regarding inspections, the age of the trucks, upgrading equipment, etc.

Solicitor Fiore noted we have been discussing the towing ordinance for approximately seven/eight years and it is important as it deals with public safety and some people refer to the towers as first responders and truly they are. We looked at two common things among towing and the revisions in the ordinance. One was the removal of vehicles from roadways involved in an accident safety and secondly, in the most efficient fashion possible. He explained everyone involved had very good points and perhaps the age of the vehicle is something we should look at. The proper format to look at some factors would be the ordinance committee. There is a process in place now, whether punch list or application it is a process. We will live with that process for this year and attempting to facilitate it by having packets delivered to each tower by the police department. Everyone involved in the process knows what the process is and everyone will have to abide by the process. Everyone will receive a packet and have to sign off on it. Monroe Township is not responsible for completing the package. Monroe Township is not responsible to find out whether or not you have the proper zoning, proper permits, etc. It is going to be incumbent upon the person applying to have everything in order. Mr. Fiore was emphatic in noting it is not the responsibility of the township to make sure everyone adheres to the process, it is eyes wide open. We must move forward, there may be some people that are going to make the list or perhaps not make the list because they did not comply. Mr. Fiore noted that you gentlemen (*council members*) have done everything humanly possible to try and make this a fair process. We need to move forward with concepts of quick and safe removal of vehicles because from the standpoint of liability we must protect the municipality, not the individual tower, the municipality.

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C.) PUBLIC PORTION (cont'd)

Cncl. William Sebastian noted when the Solicitor and Officer Burton puts the "punch list" together he would like to move it forward at an ordinance meeting and make it part of the ordinance, not for the current ordinance, but to include it in the ordinance after final review and amendments have been made, sometime in the future. Right now, the police department came up with a punch list that was their interpretation and the Solicitor is now dealing with them to give them our viewpoint and what should also be included on their punch list. The Solicitor indicated he did not disagree however the only part to be added to the punch list is the certification, he then read into the records the verbiage included in the certification as noted below.

"I (person's name) do hereby certify that I have submitted all information contained within the application and requirements of Chapter 262 entitled "Towing".

I further certify and acknowledge that it is my responsibility to comply with Chapter 262-14 of the Code of the Township of Monroe. If in the event my application is deemed incomplete and I have not satisfied this requirement or any other request, I may not be considered for the towing list and/or removed from the list without further notice.

Solicitor Fiore then explained he felt this was pretty clear-cut and everyone when they submit their paperwork will have to sign the certification. **Mr. Simmermon** then questioned, that will cover all state, county and local approvals. Mr. Fiore advised it is going to cover everything. **Mr. Simmermon** questioned, if somebody is renting or leasing from somebody, will the landlord also have to sign off on this. Mr. Fiore noted, good question, there probably will have to be a power-of-attorney from the landlord to that person, allowing him to sign for it. Whoever owns the property, controls the property and receives the approval has to be the responsible party. **Mr. Simmermon** than questioned **Cncl. DiLucia** on his comments speaking of clean bathrooms and clean offices and that we are just tow truck drivers. **Cncl. DiLucia** responded he did not want to quibble but he did not believe he said that. Mr. Simmermon added it was because he felt that Mr. King was trying to promote the towing industry with one person (*in this township*) as a member of Garden State Towing Association. **Cncl. DiLucia** clarified that what he said was, Mr. King was here, and he certainly was an advocate for the towing industry and that I did not agree with some of the things he said. I also said, that the reason this discussion was initiated was to see if we were going in another direction to try to raise some revenue in the town. He felt strongly that we should continue to pursue that regardless of what happens with this.

Anne Hinnegan then approached council and spoke to **Cncl. DiLucia** noting that she listened to the meeting tape also. Ms. Hinnegan noted that **Cncl. DiLucia** mentioned that there was only one tower that was a member of the GSTA and you felt that Mr. King was here because he had an agenda for that one tower. **Cncl. DiLucia** clarified what he said was, I noticed when he (*Mr. King*) gave us the literature that there was only one tower in the township that he (*Cncl. DiLucia*) could see that was one of his members and I made no inference to..... At this time, **Ms. Hinnegan** interrupted **Cncl. DiLucia** noting that **Cncl. DiLucia** said he felt he had an agenda. **Cncl. DiLucia** again clarified that he said it

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C.) PUBLIC PORTION (cont'd)

was possible he could have an agenda because he is an advocate for towers. He added what he also said was that they were first responders and when we looked at it, legally we could not find anywhere where it said they were first responders, under the law. That is what I said. Now, because if they become first responders and this was the legal truth then we would have had to look at it in a different aspect. Cncl. DiLucia also said that he (*Mr. King*) said it was illegal for us to engage in any kind of compensation for performing this service, and nowhere can we find this either. Therefore, what I said was I did not agree with some of the things he said and we would research it further and I will say it again for the record. That if we can find a way to bring revenue into this town to address the shortfall of taxes then that is what I feel my job is, and I am going to do that. Now, in addition to that, if we can't and for some reason we don't sublet it, subcontract it, subcontract it out then the process of developing an ordinance will be our responsibility and I will do the right thing. Cncl. DiLucia then noted that he hoped he made himself clear on the issue. Ms. Hinnegan then noted that I guess it is all perception, it is just the way it sounded on the tape. I thought you were inferring that...I mean he (*Simmermon*) is a member of that (*GSTA*) because of what he learned because of the expos and the classes they offer. He is a member because he is a professional. There was nothing correlated with Al King coming here and having any agenda for A-Jack's towing. Cncl. DiLucia responded that he did not know what his relationship with A-Jack's or anyone else, what I said was, based on a couple statements that he made, that I believe are incorrect, one being the first responder as no one has been able to show me any legal basis for them coming up under the law. Ms. Hinnegan then noted that Al King's company and the reason he referred to that also, is that Al King's company is responsible for Camden County and taking deceased bodies out of cars, that is why he is a first responder. Cncl. DiLucia clarified that he (*King*) said they are towers in the state of New Jersey and are first responders under the law.

Jack Simmermon then spoke and noted under Title 39:92-2 it states for the move over law that emergency responders, tow trucks, fire trucks, police officers. He added the way it is written under that statute is police, fire, emergency responders, tow trucks. So it is however you want to look at it but they are just using first responders as a word in there. But they are also using tow trucks, police officers and fire departments.

Cncl. DiLucia noted to respond to what you read in whatever the minutes indicate he hoped he clarified for Mr. Simmermon what his position is. He then stated it again; there are two things I am looking at, as a councilman.

1) Can we make money to address the shortfall on taxes, as taxes went up 9% this year and this cannot continue because our taxpayers cannot afford it and I will be looking at every place to try to supplement some revenue, towers being one and if that happens there will be an agreement made and we will handle that some way.

2) If this does not happen, then I will continue as a councilman to address the issue of putting together an ordinance that will protect the safety of the residents and people that we serve, pure and simply.

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C.) PUBLIC PORTION (cont'd)

Cncl. William Sebastian noted as a point of clarification, nobody on this council knew who was or was not a member of that association (*GSTA*) until that evening when Mr. King passed out the literature. It was not like a pre-determined thing. Cncl. Sebastian, Chairman of Ordinance Committee had contacted Mr. King to attend an ordinance meeting to give his data on it and we were not aware who was a member or not a member until that night.

Jack Simmermon noted the reason he was a member of the Garden State Towing Association is because I own a towing company. I am not a repair shop, with a tow truck, I am not a body shop with a tow truck, I am not a junk yard with a tow truck. I have several pieces of equipment that handle everything from motorcycle to tractor trailers, and that is why I am a member of *GSTA*. The reason we have nice clean trucks and a clean shop and clean offices is that we are representing Monroe Township. Mr. Simmermon then noted you guys fixed the problem, you do not need ten towers, you have two towers and now we are going to try to reinvent the wheel again. You got two good towers, it works well, leave it alone. Ms. Hinnegan again interjected that the police department are happy with. Mr. Simmermon noted he knows it won't make seven other towers happy but the job is getting done. The police department has already said that it has never been this smooth.

Cncl. Walter Bryson noted we are here to talk about the towing ordinance, to restructure it if we have to and that is what we are going to do. If we wind up with one, two, or four towers or even ten towers it will be because they all complied with the ordinance.

With no one else wishing to address council **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by the members of council in attendance.

D.) NEW BUSINESS/MATTERS

Cncl. Walter Bryson questioned **Business Administrator, Kevin Heydel** about this time last year we were getting the news that the township was going to be partially reassessed by the county, do you have any idea what and who will be reassessed and how much this year. **Mr. Heydel** advised that he initiated a meeting with the county two weeks ago to sit down and specifically talk about a forward working plan. We had conversation back and forth and they have not come to a full decision. **Cncl. Bryson** questioned if he thought it would be prudent, this year to finish the job and do the other 60%. We are looking at a market that is going back up again. Mr. Heydel explained, what he thought, and added he has no statutory authority in how the tax assessor does their business. From a personal standpoint in looking at fairness sure it (*reassessment*) should be done, but then again the law isn't always fair. **Cncl. Bryson** noted if we do this in another year and we go for three years there is going to be a huge difference between the first and the last assessment, it at some point in time has to be compensated for. Because the market, right now, is not coming down, it is going back up again. He added we, as a

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D.) NEW BUSINESS/MATTERS (cont'd)

governing body, have no say in what happens to the taxes by the county. Cncl. Bryson felt that it would be prudent for the taxpayers of this town to be done in one shot, period. Then we are all on the same level. The solicitor advised that we (*township*) being willing participants in the Pilot Program, we have lost our autonomy. **Cncl. Bryson** then noted that both himself, Cncl. DiLucia and Cncl. Dilks were at a meeting last year with the county and the governing body was totally ignored. My question to you (*solicitor*) again will be, can we sue to get out of it (*pilot program*). Mr. Fiore responded, no, it is by statute and we became part of that program. Cncl. Bryson questioned who we need to talk with to change this. Mr. Fiore advised your state legislators. Cncl. Bryson then questioned, when this statute came down it was explained to us as a Pilot Program that was supposed to last five years, what happened to that. Mr. Fiore responded there are hidden extensions included with the program.

Cncl. Rich DiLucia explained what transpired when the committee of council met with the county sometime last year. He noted by the time they met with us it was already a done deal. They said as long as they assessed less than 50% they could legally do that and we found out subsequently that this was true. His question was, since the number of properties they were supposed to reassess at that time (*because they had already done the reassessment via computer*) represented less than 50% they said there would be a 4½% reduction in revenue, now it wound up being a lot more than that. **Business Administrator, Kevin Heydel** noted a lot of that difference was the difference in the availability of the surplus that was eaten away by the tax appeals. Mr. Heydel explained there are 13,000 line items so technically if they did up to 50% they could do up to 7,500. But again, I cannot get into the statutory requirements. Cncl. DiLucia noted, if they did less than 50% and that represented 4½% it was obvious to him that just based on the fact other people appealed, separate and aside from that reassessment, that it brought that number up. Now, if that brought it up over 50% then one of two things will happen. Either they will do the remainder of the properties because that would represent less than 50 but it would cover more than 50% since a combination of what they did and the people who filed an appeal, assuming those appeals were proper, then they could do another one of these and finish it. Theoretically, that would make it a reassessment. I am hoping that is what they will do because that is what they indicated their goal was, to actually do a reassessment without spending a million dollars because this way cost them nothing. **Cncl. DiLucia** noted we would take one more hit this year in terms of taxes which would be the other side because some 50% of people received a reduction in their assessment, of which that 9% probably cost them a lot less than 9% and in some cases their reduction equaled more than 9% so they are actually paying less. This year, if they did the rest, then they would be paying the other side. That could, theoretically equal the playing field. **Cncl. DiLucia** said what he would like to know, separate and aside from all this, just what their intention is. **Mr. Heydel** then advised that both he and **Director of Finance, Jeff Coles** met with them (*county*) to ask them basically what they were looking into. He advised he did not receive an affirmative answer and Jeff and I stated this is a plan that we believe should continue to move forward, whether they finish it off in one year or two years, but we are urging them to continue the process. On the flip side of that, they have to look at sales because that is their guideline to go by when they are doing this. You want to pull

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D.) NEW BUSINESS/MATTERS (cont'd)

on the emotional strings about fundamental fairness and he was unsure if they look at this, if that is written in the statute. Mr. Heydel continued and noted what he did tell them (*county*) was we need them to move forward in whatever they decide, and it would be the county Board of Taxation that would make the decision. Mr. Heydel stressed that when this comes up he would like to be there because I want to talk directly to the board because I deal with everyone of the residents who call. I want to appeal to them to ensure that our township has a voice and they just don't go off and do what statutorily/technically they are allowed to do. When they do a reassessment they are not basing that on sales so why on the flipside of this do we need to base it on sales when you know the market value of the other remaining homes is at least 10% difference. **Cncl. DiLucia** then noted he believed the deadline for them getting approval from the state is November so it is going to happen soon.

Cncl. Pres., Daniel Teefy then noted in 2012 we had a great number of appeals come in. Mr. Heydel indicated we had 440 appeals we lost \$10 million more dollars in tax value, this year. In 2012 we had approximately 950 appeals which took a big hit on our surplus and also the year before that and the year before that. Every time people file appeals it is a direct hit to us that is why we lost \$1.5 million dollars in surplus balance. **Cncl. Pres., Teefy** then noted that this year we have drastically less, some approximately 400 as compared to 900. Mr. Heydel responded, yes that was correct as there is less of a hit on the surplus. He again stressed every person he has spoken with regarding their taxes he specifically explained the whole process and what had transpired. In February, when they receive their card from the county if your assessment is the same you file an appeal and you have until April 1st. People should be paying close attention to that card. **Cncl. Walter Bryson** then made an analogy, you say for two years you had 400 and 900 appeals which lead to a decrease in a maximum amount of about \$10 million dollars. Mr. Heydel responded, no last year we had 440 appeals and we lost \$10 million in *tax value*. **Cncl. Bryson** then said good, that compliance plan lost us \$140 million dollars and that is the reason why some of our tax payers went up and some went down, when in reality, if would have had a real reassessment everyone's taxes may have stayed the same. That is why he has the objection about this compliance plan and I have an objection to dragging this plan out, year after year. **Cncl. Bryson** continued, because a real reassessment brings everyone onto the same level. He felt that is what we should be striving to do. **Cncl. Bryson** questioned Mr. Heydel, when this first took place last year, were both you and Jeff (*Coles*) there when they said they wanted to do this compliance plan. Mr. Heydel responded, yes he was there. **Cncl. Bryson** questioned if he, in fact, asked for it. Mr. Heydel responded no, he did not ask for it. However, he could tell him this, without the compliance plan and if we kept sucking out those appeals it would have drained us down to zero on our surplus. **Cncl. Bryson** contended yes, but you are draining down some people who pay taxes because of your surplus. If you had pushed and not given up the fact that we should have had a reassessment or told us when that was going to take place, the governing body may have been able to do something about it. We would have made something happen, that a full reassessment would happen in this town. It is totally and completely unethical and unconscionable to make part of your town pay less taxes and the other part compensate for that. **Cncl. Pres., Teefy** understood what **Cncl. Bryson's** concerns were but as Kevin said

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D.) NEW BUSINESS/MATTERS (cont'd)

it would drain all the surplus, if we didn't do a compliance plan we would have to raise all the taxes. Mr. Heydel indicated what we would have done is to lay off 100 people, that is all you would have had, we wouldn't have the money. **Cncl. William Sebastian** noted the reason your appeals are going down is because the pool you are drawing from is going down. You already had some 900 appeals, you already had 40% of the township get reassessed. Therefore, the number of people left is getting smaller and smaller. Secondly, the county is in no hurry to do this reassessment because they are losing money also when assessments go down and they are drawing on 100% of the assessed value.

E.) OLD BUSINESS

Cncl. Walter Bryson spoke on the Pinelands matter as it related to the Acme Redevelopment Center where the Pinelands wanted some 200 more houses. He noted that Tim Kernan got the Pinelands to agree to a three-month extension so this could be reviewed to best know how to address it.

F.) COMMITTEE REPORTS

Cncl. Ronald Garbowski, Chairman of the Administration Committee reported on their spirited meeting with Ms. Ognissanti with regard to Trio Tavern. **Cncl. William Sebastian** then noted there were three major problems brought forward, one being she did not have documentation on the Place to Place Transfer (*before fire*) that took place. We reiterated many times that there is nothing this council can do, except from the time the fire took place, on. He also referred to the "*Inactive Status*" since the fire took place, they did not have a license to turn in, it burnt up and there is no place to sell alcohol, so it is "*Inactive*". **Cncl. Sebastian** also noted that when Trio did file the application for the current/new renewal, they filed as "*Inactive*". There was also a question posed on the "certification" for the Place to Place Transfer, and it was noted there is no "certification" on a Place to Place transfer. **Cncl. Sebastian** then continued to speak on the process/procedure with regard to transfers. He stressed everything, as far as the licensing is concerned, is in proper order. He also reported that Ms. Ognissanti sent letters to the governor's office who in turn notified individuals, and a Lieutenant from the Division of Criminal Justice contacted the municipality (*Clerk*) on this who in turn thanked her for her cooperation and help on this matter. **Cncl. Sebastian** was not sure what Ms. Ognissanti was looking for as far as the license is concerned, it is a legitimate license, the renewal took place and it is in an "*Inactive Status*". If at the time the bar is complete and meets *all* its approvals, etc. if it comes back to us for renewal we have no other choice, by law, then to activate it. Ms. Ognissanti along with her husband understands that. **Cncl. Pres., Teefy** questioned if everyone walked away satisfied. **Cncl. Garbowski** noted she is looking for us to enforce our rules and regulations. Ms. Ognissanti said the occupancy of the previous bar was 62 people and there were times there was some 300 people there. **Cncl. Sebastian** noted but they weren't all inside, there is an occupancy for the deck and for the bar and then there are outside functions that were taking place as well, where people were not inside the building. **Cncl. Garbowski** advised that she was told that going forward we will ensure they will follow all rules and regulations.

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F.) COMMITTEE REPORTS (cont'd)

She was also looking at perhaps having a meeting with us as well as the ABC, and Cncl. Garbowski was unsure if that was something that would be feasible. Solicitor Fiore questioned what would be the purpose of the meeting, you have provided all the documentation and ABC would want to know what the purpose was and they have already indicated they we have complied. Discussion continued and **Cncl. Garbowski** advised that another meeting would be scheduled with the committee and Ms. Ognissanti to review any additional information.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED

Cncl. William Sebastian requested clarification on the salary ordinance scheduled for approval in particular the Substitute titles. Mr. Heydel explained they were set up that way so that if in the event we ran out of manpower and had to have emergency help, with the substitutes, if you were going to hire someone temporary you have more ability to entice someone to come for a short period of time (*temporary*) to fill in when needed. **Cncl. Sebastian** just wanted to call attention to the fact the range for a substitute is higher than the range for the actual worker and the reason why was explained by Mr. Heydel.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of September 23, 2013. The motion was seconded by **Cncl. Ronald Garbowski** 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 23, 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 _____ *Am* _____ Date 10/14/13
Approved as corrected _____ Date _____