

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
APRIL 14, 2014**

**A.) OPENING CEREMONIES & ROLL CALL**

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Ronald Garbowski** 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. Marvin Dilks** led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks	Present	
Cncl. Richard DiLucia	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Ronald Garbowski	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore		Excused
Engineer, Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

• **Dog Park**

**Cncl. Pres., Ronald Garbowski** indicated he would like to set this up for committee review and begin research to establish a dog park. He requested input on the appropriate committee to which this would be assigned. **Cncl. Bryson** noted he would like to see not specifically just a dog park rather a regular park where people could sit and relax or just take a walk, which would go along with the dog park. It was decided that a committee would be formed with Cncl. Bryson as the Chairperson, Cncl. DiLucia and Cncl. Teefy. The newly formed committee will meet and report back with their findings.

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

• **Proposal Architectural Services – Cecil Fire House**

**Business Administrator, Kevin Heydel** advised he met with the Public Safety Committee and an architect (*Robbie Conley*) at the Cecil Fire House to do a walk through to gauge what is needed to get this project off and running. The architect then came back, with what is known as a “*Needs Analysis and Deficiency Report*”. He then referred to the proposal submitted to council which included the scope of services and requested a resolution be approved so that we can award a contract to Robbie Conley. This contract would be under the bid amount so there is no need for an RFP, it would be awarded as a Professional Services Contract. Mr. Heydel then advised that we did meet with the Williamstown Fire Company prior to this meeting and they are talking about their fire company and they will require that same “*Needs Analysis*” done as well.

**Cncl. Caligiuri** noted since the architect for Cecil Fire is already staffed and mobilized it may be possible that they could perform the “*Needs Analysis*” for both fire companies and it may be a bit less expensive. Mr. Heydel advised that Williamstown Fire has already voiced a preference for their architect and that is Dan Rodier. The Mayor noted he will say “no” to that. He screwed us on the library and other places and he emphasized that he will not sign a contract with Dan Rodier. The Mayor added that council members can choose to wait until next year however, he would not sign. **Cncl. Sebastian** explained he brought up the same issue but this is not for a contract for construction of the building, it is just for an analysis. The mayor then reiterated that if he had to sign anything, any kind of paperwork he would not. **Cncl. Caligiuri** suggested that Mr. Heydel attempt to find out if they would charge us less than double the price to do both analyses. **Cncl. Sebastian** noted that he would agree with Cncl. Caligiuri, that if you have the same architect performing both it would be cheaper because one of the costs involved is a presentation. **Cncl. Teefy** noted that he would agree with both Cncl. Caligiuri and Cncl. Sebastian to look at both buildings as they both have needs and it should all be bundled together. Mr. Heydel advised he had a resolution prepared for this (*Cecil Fire*) but could hold it to the next meeting. Cncl. Pres., Garbowski polled Council to get a consensus on whether the resolution for a needs analysis for Cecil should be placed on the Regular Meeting agenda and the consensus was in favor of moving the resolution forward. Cncl. Teefy questioned how quickly the architect would be out here because if it were communicated to him that both fire houses will be done the price might be a little cheaper. Mr. Heydel explained the architect was here, knows what has to be done and submitted a reasonable proposal last week of \$6,500.00; but, ARH needs to do a structural analysis of the building to see if it can hold a second floor. He noted he would assume the cost for a proposal to do the Williamstown Fire House would be the same since the building is a similar size. Cncl. Sebastian pointed out Williamstown Fire House is not in a critical situation this is just their preliminary start up and the improvements can be done within the next couple of years. Cncl. Pres., Garbowski felt the evaluations should be completed so Council can plan for future capital improvements.

**Cncl. Caligiuri** made a motion to move forward to the Regular Council Meeting the resolution for Architect Robbie Conley to perform a “*Needs Analysis*” at the Cecil Fire

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

House. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council. The Clerk noted "*for the record*" the resolution would be placed on the Regular Council Meeting agenda as R:86-2014.

- **"Draft" Update – Bid Process Plenary Retail Distribution License**

The Clerk explained she met briefly with Mr. Fiore on this matter and he has requested that Council review the proposed resolution. The dates have been left blank because they must be coordinated so that everyone is in attendance at the public hearing and during the bid opening. She requested Council to review the resolution to establish a date and then it can be addressed at the first meeting in May. She explained the public notice must be advertised a certain number of days before the bid and those dates must be coordinated. **Cncl. Pres., Garbowski** noted the minimum bid will be \$450,000.00 and all comments from Council should be submitted to the Clerk.

**C.) PUBLIC PORTION**

**Cncl. Walter Bryson** made a motion to open the Public Portion. The motion was seconded by **Cncl. Frank Caligiuri** and unanimously approved by all members of Council in attendance.

**Joann Mecholasky** a resident of the Arbors Development explained she knew homes would be built behind hers when she purchased her home in 2001 and never had an issue with that. The issue came about when condominiums that have two levels with sixteen separate units were built thirty feet from her fence line. She spoke of letters she has from the engineer and the solicitor stating a buffer would be installed consisting of privacy trees and that issue has been going back and forth since 2009/2010. The day before Thanksgiving 2011 five small pine trees were planted behind her fence towards the open area and small holly bushes in the other areas. Two of the trees died and were cut down so now there are just stumps behind her house. The condominiums were also graded so rainwater runs onto her back yard and with all the rain we have had during the past year her landscaper's mower sinks into her lawn. She spoke of planting dogwood and flowering pear trees on her property that are now dying from root rot from all the underground water. She spoke of contacting the MMUA last September to see if there were any underground pipes leaking but Ralph Manfredi assured her none were. Mrs. Mecholasky noted they have spent several hundred dollars on trees that are dying plus she cannot even sit on her deck at night due to the noise from sixteen air conditioners. The homes are so close that she can hear people talking in their kitchens and family rooms while she is in her kitchen. The trees would have created a sound buffer as well as privacy for not only her but the residents of Amberleigh as well. **Cncl. Bryson** noted the original plan required buffers and trees but he did not know where the project was in that plan so he requested the solicitor and engineer to review the original plans. Mr. Cella noted it was his understanding that the trees were put in but he did just hear Mrs. Mecholasky say the trees died. Mrs. Mecholasky noted she has a letter from ARH from

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**C.) PUBLIC PORTION (cont'd)**

2010 stating that a CO for the next building would not be issued until the trees were put in but not until two years later did the builder begrudgingly put some trees in. Mr. Cella apologized for the missed communications and noted he just heard about the drainage issue and will get a copy of the original plans to see what can be done in regards to the water issue. **Cncl. Caligiuri** questioned whether the township still holds the bond on that development. Mayor Gabbianelli answered that we do as the development is still under construction. Mr. Heydel spoke of small pine trees being planted there that do not grow well or provide any type of privacy. **Cncl. Pres., Garbowski** indicated ARH will go out and investigate the site. Mrs. Mecholasky extended her appreciation for that and noted she feels she has been very patient, as it has been four or five years since the problems began.

**Mayor Gabbianelli** informed Council that Applebee's would be attending the next Thursday meeting to bring in their site plan and IHOP will be before the Planning Board soon. The Mayor noted "*for the record*" Mr. Cugini stated at the last Council Meeting that he was going to contact him (*the Mayor*) but to date, he has not and now there was an article in the paper that said we have no economic growth. Mayor Gabbianelli went on to speak of how Wendy's will be located on the corner where Applebee's was originally going, another restaurant will be where the church is located and Applebee's is going to a different site. The Mayor didn't know the location for Applebee's but felt it is probably at the Wal-Mart site, which has approvals for a bank and a strip site. Negotiations have been ongoing between them for months because Wal-Mart wanted over a million dollars for that site. Council questioned what restaurant would be going in where the church is but the Mayor explained no one knows yet what will be going there.

**Business Administrator, Kevin Heydel** noted the new township bus, which was purchased through a partnership with Gloucester County, was in the parking lot. He then invited Council members to go outside to see it. Mr. Heydel noted that the county and the municipality each paid half the cost of the bus.

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

**D.) NEW BUSINESS - None**

**E.) OLD BUSINESS - None**

**F.) COMMITTEE REPORTS - None**

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**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED**

**Cncl. DiLucia** questioned where Resolution R:80-2014, dealing with arbitration, came from. **Mr. Heydel** advised that deals with the expiration of the 2% cap on interest arbitration and police contracts. The League of Municipalities sent the resolution to us asking us to support reinstating the cap because if it is not in place then arbitrators are allowed to decide over and above the 2%. **Cncl. DiLucia** noted "*for the record*" he is opposed to it and the reason why is because it is misleading. The property tax levy is not controlled by 2% because there are exceptions in the cap levy on taxes. The history of interest arbitration began to avoid conflict and has been in effect since the end of the war in all public contracts that prevent economic action against an employer. **Cncl. DiLucia** was opposed to maintaining a 2% number without legislation addressing health care costs, which are uncontrolled. He noted if the governor wants to control costs associated with the cost for municipalities he should first control the cost for consumers. Instead what he is doing is putting a cap on the ability to live. By placing the 2% cap he is taking away the ability to collective bargaining, which is just another way to take away the right to unionize. It takes away the incentive to have any kind of dialog in collective bargaining because the arbitrator is bound by 2% so that is the end of collective bargaining and the legislators know that. If they want to address taxation they must take a much broader view as opposed to a very narrow limitation on certain segments of municipal employees and for that reason **Cncl. DiLucia** noted he is opposed to it. **Cncl. Bryson** questioned whether there was a way it could be rewritten because this resolution appears to have been dictated to the municipalities from the State. **Cncl. DiLucia** replied no, not once it becomes a State law. He explained normally arbitrators are not bound by anything and if they make a ruling that is in conflict with the law than it can be appealed to the courts but most arbitrator's decisions are binding because that is what the parties agreed to. Arbitrators are selected by the parties and when the arbitrator makes a ruling it is imposed. He felt by Council opposing or supporting this resolution will not change the legislation because he felt the governor wants to put it through even if he does it as a Legislative Action. He noted the purpose of it is to control costs but the governor is only addressing a portion of cost associated with compensation for jobs. One exception to the cap is insurance costs, as there is no control over that and the governor is over the insurance commission. He suggested the governor ask for legislation to control insurance cost, as that inflationary number is running much above the general inflation average of everything and it is the highest rising commodity in the Country. **Cncl. DiLucia** felt until the governor addresses that he is not making a good faith effort to control taxes and the whole spirit of collective bargaining is being taken away. **Cncl. Sebastian** added there is not a 2% cap on State spending it is only passed down to the municipalities so why should Council vote to extend it when they are not capping it themselves. **Cncl. DiLucia** noted if they wanted to tie it to inflation or a number beyond the CPI he could understand that because then there would be some relativity between what is happening in the real world and what collective bargaining is yielding. Sometimes arbitrators give lousy awards both ways that are questioned but this should be tied into something economic rather than just saying 2% when nothing else is controlled, as this is going to control people's income but not their expenditures. He gave the history of arbitration explaining that after the war the courts were flooded with both strikes and legal challenges to work place negotiations and in the spirit of trying to find a way to stop that

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**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED (cont'd)**

interest arbitration was imposed in 1946 and it works. Arbitration is not the best answer but it works. Arbitrators cannot be bought, those guys have a record, there is a dossier on them and people know how they rule so the idea that every time a person goes before an arbitrator they win is not true. A person could wind up with 1% or nothing because most of the interest arbitration of today is over healthcare contributions because that is the greatest economic issue in most instances. **Cncl. Caligiuri** suggested a poll be taken to see if Council wanted to pull the resolution and have it re-written on a broader scale for review and reconsideration at the next Work Session Meeting. **Cncl. DiLucia** felt the resolution could be made better but noted he is opposed to eliminating interest arbitration all together particularly in a collective bargaining situation where an employee has no option. During negotiations employees have no right to strike and with this arbitration it is contained to 2% so the collective bargaining process has effectively been taken away. This also hurts management because they lose the ability to have an open dialogue. In today's world the biggest nut employers pay is health benefits and when that is calculated whatever is left over they will give employees the choice of either making a contribution towards healthcare to offset their cost or giving a wage increase and most contracts today are being negotiated to retain healthcare benefits without increasing co-pays. Employees pay a percentage for their healthcare and that can't be negotiated because it is legislated and now another legislation is capping the arbitration process, which takes away every bit of collective bargaining. **Cncl. Caligiuri** suggested pulling the resolution rather than voting on it in this condition so Council can talk about it to see whether the cap should be based upon the CPI and whether recommendations that the governor be required to look at healthcare be incorporated. **Cncl. DiLucia** noted his choice would be to scrap the resolution but he didn't think that was realistic since this issue is on the fast track with both sides of the aisle supporting it. He felt a realistic approach would be controlling healthcare cost and including a cost of living increase "*plus*" as the cap on the arbitrator's ability to pass an award. **Cncl. Teefy** felt the resolution should be pulled, as it was created to send a message to the State and if we agree to it we are sending a message that we don't want. If we change it to include language regarding CPI and controlling healthcare cost that would send a better message to them. He suggested the Administrative Committee rewrite the resolution to include that language as that would control the cost of the municipality and still benefit the public employees. **Cncl. Pres., Garbowski** polled Council and all members agreed Resolution R:80-2014 should be pulled from the Regular Council Meeting agenda at this time.

**Cncl. Walter Bryson** questioned Section 6 of Resolution R:83-2014 (*Civil Rights Policy*) in regards to how written procedures would be implemented. **Business Administrator, Kevin Heydel** explained this is a standard resolution, which was adopted in 2012 and it is part of our Risk Management Employee Practices Liability, which must be renewed every two years. He explained the requirements are to have a handbook, sexual harassment courses, supervisory courses, police courses and this resolution is just included in the checklist.

**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None**

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I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Frank Caligiuri** made a motion to adjourn the Council Work Session of April 14, 2014. The motion was seconded by **Cncl. Rich DiLucia** and was unanimously approved by all members of Council in attendance.

Respectfully submitted,



Susan McCormick, RMC  
Municipal Clerk



Presiding Officer

*These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of April 14, 2014 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                     *SM*                     Date                     4/28/14                      
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_