

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
DECEMBER 8, 2014**

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

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President 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** – Mayor Gabbianelli 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. Richard DiLucia	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:25 PM)
Cncl. Pres., Ronald Garbowski	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann	Present	
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:15 PM)
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

• **Meeting Dates – 2015**

The Clerk advised the list of 2015 meeting dates was distributed to Council for review and if everyone is in agreement with those dates a resolution will be prepared to adopt the meeting dates at the next meeting. **Cncl. Pres., Garbowski** polled Council and all were in favor of the list of 2015 meeting dates.

• **Resolution Of The Township Council Of The Township Of Monroe, County Of Gloucester, New Jersey, Authorizing And Approving The Township's Participation In The Municipalities Continuing Disclosure Cooperation**

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

**Initiative Of The Securities And Exchange Commission; And Authorizing And Approving Certain Actions In Connection With The Foregoing**

**Business Administrator, Kevin Heydel** explained at the last meeting he presented Resolution R:194-2014 and at that time Council requested him to provide more information. Mr. Heydel referred to the Local Finance Notice dated July 23, 2014 regarding the requirements for continuing disclosure to the SEC and what needs to be done to stay in compliance. The first thing we were asked to do was a self-assessment called the MCDC Initiative Survey and that was completed on November 7<sup>th</sup> and from that we submitted a report to the SEC on December 1<sup>st</sup>. One of the questions raised was the cost for a disseminating agent and that is \$650.00. TD Bank is our disseminating agent but things went unreported and now the SEC is closely monitoring governments to ensure compliance. In the past many things fell through the cracks and there was very poor reporting. The difference in bringing in Phoenix Advisors is that they are more proactive. TD Bank does not cost us anything but the burden of the reporting is put on us so we must provide them with information and then they upload it into the program called "EMMA". Phoenix is proactive and they will watch our information and provide deadlines for submitting information to them so this is basically an insurance policy to ensure our information is reported. Mr. Heydel noted he spoke to Auditor Nick Petroni about this because according to the Local Finance Notice there is much more information that we are required to put out there. Some of the information is contained in the audit, some is contained in the budget and the annual financial statement but other information is not. Nick stated since there is more of a focus on this it would be a good idea to do this to ensure we get all the proper information put on the EMMA System. Mr. Heydel noted we could continue with TD Bank at no cost however, the burden of getting the information on the system would be on us when that could all be done for us at a cost of \$650.00 a year. **Mayor Gabbianelli** felt this would not make it any easier because we still need to get the information to them to put on the system. Mr. Heydel explained TD Bank does not send advise us when reports are due, as they are not required to do that. **Cncl. Bryson** questioned whether they would just be verifying the information or just collecting it. Mr. Heydel explained they will collect the information, review it and monitor the township. They are doing this for approximately 150 Boards of Education and municipalities and they have filed approximately 300 SEC reports. Mr. Heydel noted we will still have to gather the information but Phoenix will manage it to ensure the information is submitted. **Cncl. Sebastian** questioned if something does fall through the cracks whose responsibility is it; ours or the company we are paying \$650.00 to. Mr. Heydel advised we are responsible but what will happen is that we will have a hammer over us telling us what information must be reported and when. **Cncl. Bryson** questioned how often this has to be done. Mr. Heydel advised it is reported yearly. **Cncl. Bryson** questioned if the bond that is being looked at right now would be part of it. Mr. Heydel indicated it would not that is something different but it may have to be reported upon next year. He added while we are on the subject of that we did a capital ordinance earlier this year for \$717,250.00 and at that time he had mentioned we may have to go out for a bond anticipation note. We did go out for that on December 3<sup>rd</sup> and received a good rate of .7196%, which amounts to less than \$5,200.00 for the year. Most likely we will do this for a one year term for the litigation matter as well. **Cncl. DiLucia** questioned how long the township had to pay this off. Mr. Heydel

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explained we do not have to pay it off we just have to pay the interest. In the past when we didn't go out for bond anticipation notes and just did a capital ordinance where we more or less just used our cash flow instead of going out for Serial Bonds we amortized it down about 20% each year. We will not be able to do 20% on \$700,000.00 but we will be able to do 10% and start paying that down. **Cncl. Pres., Garbowski** questioned if the \$650.00 would be for all of our bonding. Mr. Heydel advised it was. He also noted he questioned TD Bank what they would charge for this service and was advised the cost would be \$900.00, \$300.00 for each of our three bonds. **Cncl. DiLucia** questioned whether Mr. Heydel's recommendation was to do it. Mr. Heydel advised it is his recommendation as well as the Township Auditor who characterized it as an insurance policy due to the more stringent regulations and reporting. He felt it would be good to have something in place to insure the reporting gets done. **Cncl. Pres., Garbowski** polled Council and all were in favor of moving Resolution R:194-2014 forward to the Regular Council Meeting.

- **Open Space Advisory Committee Resolution**

**Cncl. Caligiuri** explained back when the Open Space Tax was approved by referendum the general public viewed that as a contribution for the preservation of open space and the public perception was that those funds would be used for the acquisition of open space. He noted that money is used for a diversity of things such as the preservation of open space and preservation of recreation facilities but there has never been any firm commitment to use part of the fund for the acquisition of open space. The Open Space Advisory Committee has asked Council to consider a resolution that would designate 20% of that fund strictly for the acquisition of new open space. **Cncl. Sebastian** questioned whether that would restrict the amount of money that can be spent on the acquisition of open space. **Solicitor Fiore** advised it would not, it is just a recommendation it is not binding. **Cncl. DiLucia** questioned whether that 20% would include 20% of the \$1.1 million currently in the account. **Cncl. Caligiuri** advised the 20% would be for new money, not for the existing money. **Cncl. DiLucia** questioned whether the committee would still have to go through the same process to purchase open space or would this be in their budget so they would have total discretion to spend it. **Cncl. Caligiuri** advised the discretion to spend it would still be an administrative function, this is just so the money would be used for the acquisition of land. Discussion ensued regarding whether the mayor would have the discretion to purchase land or whether it would also need to come before council as well. **Solicitor Fiore** explained in our form of government the Mayor would negotiate a contract and Council gives him the authorization to sign the contract so Council could vote no against the Mayor executing a contract. The acquisition process would stay the same as it was before. **Cncl. DiLucia** noted approximately \$100,000.00 a year is put into the Open Space Trust account so 20% of that would initially be a small amount of money. Mr. Heydel noted the referendum states the open space amount to be collected is not more than 2%. When the reevaluation was done that percentage went down to 1% and when we went through the recession it was cut down to .75%, .50% and now .35%. This year we collected \$71,000.00 and last year \$68,000.00. The maximum amount that can be collected is 2% and that is based upon the need. **Cncl. Bryson** questioned what can be

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done with open space. Solicitor Fiore explained when the referendum was put on the ballot it was for property that would be purchased and taken off the market so it would be unable to be developed. **Mayor Gabbianelli** added the referendum also included parks and recreation; it was not just for open space. Cncl. DiLucia noted for clarification the referendum probably would not have passed unless that recreation portion was included because it only passed by 27 votes. Cncl. Caligiuri was not sure about that because the way it was told to the voters was to preserve open space so land would not be developed and the public perception was that it was going to curb development. Cncl. DiLucia felt the recreation portion of the referendum was really put in to get some support for the issue. Cncl. Caligiuri felt if the funds are never used to purchase and preserve open space and recreation then we lied to the voters. Mayor Gabbianelli noted we used those funds to purchase the Genova Property so technically that is open space and recreation and the land purchased across the street is strictly for open space. Cncl. Bryson questioned Mr. Fritz of the Open Space Advisory Committee on whether there was any properties right now that they were planning to purchase. **Mr. Fritz** noted the committee has made recommendations in the past and as of today have not received a response from the Mayor or Council regarding those recommendations. Mayor Gabbianelli noted they have not come up with any viable properties. Cncl. Caligiuri noted the committee has no authority to purchase anything; that is an administrative function. The mayor makes those decisions and the Council approves them but the bottom line is the voters would not have voted for this if they thought we would use those funds as a dumping ground to pull our parks and rec support money out of it. The voters intended to preserve open space. **Engineer Chris Rehmann** suggested that money be leveraged for grant money so the amount can be doubled or tripled. The Delaware Valley Planning Commission is giving planning grants out this year and part of that is for recreation, bike paths and pedestrian transportation. We could use that grant to locate the right pieces of property to enhance our bike path and to access our recreation facilities. In that way we could also use not only Green Acre funds but also funds from the Delaware Valley Planning Commission who gave Gloucester County a huge amount of money to buy property to extend our bike path that now runs through Glassboro and Washington Township. He noted he is putting together a map for the Open Space Committee which shows all of the township parks and township owned ground so they can see what properties would benefit the township if purchased. Cncl. Caligiuri noted the township has used money from that fund when the County purchased property and demanded we pay some percentage. Cncl. Sebastian expressed concern regarding the way the resolution was written noting all the money could be spent planning what to purchase so that when it comes time to buy property no money is left. Mr. Rehmann noted he never interpreted the resolution, which says acquisition, development and maintenance to include planning. He thought that would have to come out of other funds because those funds are reserved for the actual purchase, development on maintenance. Cncl. Bryson questioned whether the Delaware Valley Planning and State and Federal Open Space Programs fall in line with what we have or are they so restrictive that all we can do with the 20% is just purchase the property. Mr. Rehmann noted we have to be clever with how we do it because we are having a problem with the Genova Property. He explained if a roof is put over a soccer field they would not fund it because it is

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considered indoor recreation and they only fund outdoor recreation. Mayor Gabbianelli noted that is not the issue, the issue was we asked them fifteen times if we used their money can we build a building on the Genova Property and they said yes but Sweeney lied to us and that's the issue. Mr. Rehmann felt he didn't know what the restrictions were. Cncl. Garbowski polled Council and all were in favor of moving forward with the resolution for the next Regular Council Meeting.

- **Atlantic City Electric**

**Adalberto "Bert" Lopez, Public Affairs Manager** from Atlantic City Electric advised the Mayor had suggested that he come to Council to explain the impact of the merger between Atlantic City Electric and Exelon will have upon the township. He introduced Susan Coan, Vice President- Atlantic City Electric Region and Amy Trojecki, Director of Corporate Affairs for Exelon who would explain the impact and benefits this merger would have on the community.

**Susan Coan** extended her appreciation to the Mayor and Council for allowing them to speak this evening and explained that she would like to address some of the talking points addressed in the information distributed to Council. Exelon is undertaking a transaction to purchase Atlantic City Electric and since ACE is a regulated utility there are a number of regulatory approvals through the New Jersey Board of Utilities that are needed in order for the purchase to take place. A joint petition was sent to the Board of Utilities along with Exelon's application for permission to allow the merger to move forward. As part of that application we have presented what we feel is a beneficial package for our consumers, the community and our employees and that is the method the board uses to determine if the merger can go through.

**Amy Trojecki of Exelon Company** spoke on how Exelon tried to do business in New Jersey a few years ago by merging with Public Service but that merger failed due to Public Service as well as Exelon owning a lot of generation in the State causing market power issues. That is not the case with Atlantic City Electric, as it does not generate electricity it just delivers it to the end user. Also when Exelon tried to merge with Public Service we did a terrible job introducing ourselves to the State and communities to communicate the benefits of the merger. Two years ago Exelon merged with Constellation Energy in Maryland and adopted this approach where a representative from Exelon would meet with local leaders and that approach has been successful. This merger was announced eight months ago and the feedback so far is overwhelmingly positive because they have done their best to address issues of the municipalities and put together what they think is a generous package for this State. Exelon participates in every facet of the energy business in almost every state in the country. It employs 26,000 and with this merger there will be 31,000 employees. Exelon owns three delivery companies, PECO in Pennsylvania, Baltimore Gas and Electric and ComEd in Chicago that just supplies energy to the end users and also 25% of the Nation's reactors and are the largest owner and operator of generation plants in the entire country. In New Jersey we own the Oyster Creek facility in Lacey Township and have entered

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into an agreement with the State to retire that facility in 2019 instead of installing really expensive coin towers. Exelon also owns 43% of the Salem Facility with Public Service, natural gas assets in Texas and New England, wind generation, hydro generation and some coal assets but we are under an agreement now to sell the coal assets due to all the EPA regulations and how expensive it is to install controls. The third part of the business is third party supplier and that is Constellation and they are also an energy services company so in New Jersey and other states people have a choice and can pick their supplier. Constellation is one of those companies that do business in New Jersey and they have a large contract with the Newark Housing Authority to provide energy efficient services. In addition to the business relationship they also have a relationship in Newark with a few charities providing significant contributions and even promised a million dollars over a five year period to support scholarship programs. Exelon also has a trading business where we buy and sell electricity as a commodity. Ms. Trojecki noted the three stakeholder categories addressed in the package are customers, employees and the community. **Mayor Gabbianelli** questioned what about the stockholders. Ms. Trojecki noted the stockholders are also a key stakeholder. The stockholders are happy and have already signed off and given their approval, as the stock was trading at \$18.00 to 19.00 for six years and now it is selling for \$25.00 to \$27.00. Ms. Coan added when the merger closes anyone holding Pepco shares will get \$27.00 per share. The stocks jumped up to that as soon as the merger was announced and that is a sign that the market believes the merger will close. A package has been presented to the Board of Utilities that commits improving reliability for our customers. Exelon is committed to reducing the frequency of power outages by 33% over the next five years and they will do that without making major investments in the infrastructure, which could add pressure for higher rates. They will do that by Atlantic City Electric adopting Exelon's best practices, which has been perfected in the work they have done through their nuclear operations where everything is precise. They transferred those skills to the delivery business to ensure if there is a problem it is fixed so our customers should enjoy greater reliability over the next five years. When storms occur we will have more resources to drawn upon and share in the event of a widespread power outages. On the cost side mergers create savings that are called "synergies" and Exelon has proposed to share those saving up front with our customers. The projection is over \$100 million dollars will be saved at year five of the merger and they have offered to put up 95 synergies in year one. The New Jersey share of that will be approximately \$29,000,000.00 to \$30,000,000.00 or roughly \$50.00 per customer and the New Jersey Board of Public Utilities will determine how that money will be delivered to our customers. It could be in the form of a one-time rate adjustment, energy efficiency adjustments or low income assistance but that will be up to the Board to determine. As the savings and efficiencies are achieved over time it will have the effect of tampering down rates and all of those savings will help keep rates under control and avoid the magnitude of any future rate increases. Ms. Trojecki added they are not saying rates will go down because there may be a need to invest in the system but the merger should offset any rate increases that may occur as a result of the additional investment. **Cncl. Bryson** questioned whether Atlantic City Electric was planning a rate increase in January. Ms. Coan

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noted there was a 2% rate increase a couple of months ago but none was scheduled for January. She explained ACE gets the energy they deliver to customers from the open market, which has adjustments because energy prices move up and down. Those costs are passed on to customers and that adjustment usually happens in June. Ms. Trojecki noted this merger involves Exelon merging with PSI, which is all of Atlantic City Electric, Pepco and Delmarva Power in Delaware and Maryland. Atlantic City Electric has supported the communities here for over a century and we will continue to do that and want people to know we share the same philosophy, we value our customers and will give back to the community. She spoke of holding food drives, of sponsoring job programs that target casino workers that lost their jobs, of pipe line programs in all jurisdictions the company operates in to work with local colleges, universities and veterans to make sure local talent is developed so they can hire local workers. The Atlantic City Electric name will stay the same, Vince Maione will stay on as President and the headquarters will stay at the same location. Cncl. Sebastian questioned why they tried to merge with PSE & G in 2006 and not Atlantic City Electric. Ms. Trojecki replied she was not with the company then but could tell Council why they were going with Atlantic City Electric now and that is because all of our generation is in the competitive market. There are some states where the generation and delivery are all together and they are guaranteed a rate of return from the Public Service Commission. In some states generation has been separated off from the delivery side of the business and generation is from competitive markets. Right now electric prices are low and we are subject to market forces like natural gas and shale development so we put a lot of our eggs in the nuclear basket back in 2008 when natural gas was \$12.00 and \$14.00. Now we are trying to balance out our portfolio and stabilize our earnings. Cncl. Bryson questioned whether Exelon had plans to put more green energy (*solar, wind, hydro*) in New Jersey. Ms. Trojecki noted there aren't any plans to do any generation in any specific state right now as a part of the merger but the company's philosophy is that energy is moving to a clean energy feature so we do have to get with the program. However we are vehemently opposed to subsidies for different types of generations because the new ones such as solar are getting subsidies while the older ones are not and many times we actually pay the system to take our electricity from nuclear plants since they run 24/7. We are against subsidies but we are for clean energy so if the market gives us signs that we need to invest in that we will but there are no specific plans to invest in clean energy now. Cncl. Teefy questioned what Ms. Trojecki thought about third party suppliers. Ms. Trojecki noted that law was passed several years ago but it has just been within the last couple of years that local municipalities have decided to try it and only one or two have actually done it. It is an opportunity to save some money and in this area Glassboro tried it just for the summer and then got out of it. The price that we charge for our basic generation service is based upon a three year look back of prices and that carries with it some higher prices that were entered into two or three years ago whereas some of the third party supplies can go into the market right now. There is the potential of saving money but it places some burden on the part of the municipality to really understand what you are putting before your consumers. The consumers entering into this need to watch the prices because it can turn around and suddenly they are not saving money. Atlantic

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City Electric does not take a position on it, it is really up to the customer or the municipality to decide whether they want to do it. We are just there to facilitate it and the role for us in the process is to make sure all the customer accounts are changed and bills are correct. Glassboro tried it but they got out because the differential savings was not as great as it was at one time. Mr. Lopez noted the municipality cannot do it alone they need to go with the county, which is gathering municipalities to go out to market but as of now they have not. Ms. Trojecki noted customers do not need to join a municipal aggregate they can join a third party supplier such as Constellation, which is a third party supplier that does business in New Jersey. The idea behind it is that competition will benefit customers in the long run and it does as long as you read the fine print and lock in to a particular rate. She noted we have the third party business as well as the generation business so we do not take a public position on either other than competition is good for the customer. **Cncl. Caligiuri** noted Atlantic City Electric has been one of the most competitively priced companies not only for delivery but also for the provision of electricity. He noted the Public Utilities Commission regulates the selling price based on the average cost and he questioned how that would change. Ms. Trojecki explained the juice running through the wire is the supply for the generation and the State of New Jersey oversees the purchasing and pricing of the energy passed on to customers. That is bought in three different tranches each year so it blends prices. That method is designed to maintain some stability and not volatility because energy prices on a day to day or month to month basis can be volatile so this method of purchase is to smooth that out. New Jersey's methodology has been considered the model for the nation as to how energy supplies are run. The other side of the business is the delivery, which is the pipes and wires and that is our cost that we develop rates for to pass on to our customers. **Cncl. Caligiuri** questioned when Exelon purchases energy do they favor their own company Constellation. Ms. Trojecki explained there is no advantage. Exelon can sell electricity to PECO or not but it is all through an auction process that the State administers on our customer's behalf and then we take that price that they discover in the marketplace and pass it on to our customers. Customers can pick on their own or they can go to Atlantic City Electric which has the default rate that is determined through the State auction process. **Cncl. Sebastian** noted is it correct that by law Exelon cannot offer their energy to their supplier at a lower rate; they must hold the same rate to everyone. Ms. Trojecki advised that is correct; we cannot give any advantage to the delivery companies that we own. **Cncl. Teefy** questioned how this will affect the homeowner that has solar panels on their roof or yard. Ms. Trojecki noted there is no direct affect. New Jersey allows net metering so people with solar panels can sell some of the electricity they are not using back onto the grid and that will stay the same. She also noted Exelon is committed to local employees and has committed that there will be no more job losses for utility employees for two years and even after that time we do not anticipate any job loss for Atlantic City Electric utility employees. The synergies are going to be in the corporate office in Washington DC. **Cncl. DiLucia** questioned whether that was a result of their anticipated attrition. Ms. Trojecki explained some of it is because we know people see the merger as an opportunity to get a retirement package and several Atlantic City Electric and Exelon employees have already requested to be signed up for retirement. If there is a natural attrition rate we will fill those

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positions and if we are making synergies in one department we will make every effort to find jobs for people if we are downsizing a particular department in the company. Cncl. DiLucia noted in Philadelphia the public utility sale failed because one of the things guaranteed to the employees through the collective bargaining agreement was retention of a minimum number of jobs and he questioned whether this merger had that. Ms. Trojecki noted this does not have that but they did renegotiate the IBEW union contract and there is a commitment to hire sixty more union employees if the merger gets approved. Mr. Lopez thanked Council for allowing them to make this presentation and distributed his business card to the Mayor and Council.

**C.) PUBLIC PORTION**

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

**Roxanne Briggs** a new resident of Sunny Estates spoke of a person loitering on the board of Washington and Monroe Townships. He sometimes blocks traffic and has aggressively pan-handled at the TD Bank even blocking the ATM machine. On one occasion when a woman was handing him money she (*Mrs. Briggs*) said to her do not give this loser money and he almost got violent. The Monroe Township and Washington Township police were called and Monroe took him away after he tried to kick out the police car window. She noted she has called the police at least two dozen times because of issues with him and last Sunday he was aggressively pan-handling there for three or four hours even walking into traffic to pan-handle. He told her he doesn't care about a \$50.00 fine when he makes \$400.00 a day and the police have told her they are frustrated because when they take him in the next day he is out there again. In the summertime the traffic is really bad from the Atlantic City Expressway to her home and it is worse when he is out there. She questioned if the fine could be increased as that may help. **Solicitor Fiore** noted the Police Department is aware of it because this gentleman has been in court at least four or five times and he has been fined but maybe not enough. The fine is \$50.00 to \$1,000.00. Mr. Fiore questioned whether TD Bank allows him to trespass on their property. Mrs. Briggs noted he stands on the sidewalk and sometimes goes into the parking lot. She noted she spoke to the bank manager and he is also very frustrated so she is asking both townships to address the problem because he is a very nasty individual. Mr. Fiore noted he knows that because he has had discussions with him. Mrs. Briggs advised the Monroe Chief of Police called her and they are going to increase patrol in the area. **Mayor Gabbianelli** indicated he had forwarded Mrs. Briggs' email to the Police Chief.

With no one else wishing to speak Cncl. Sebastian made a motion to close the Public Portion. The motion was seconded by Cncl. Bryson and unanimously approved by all members of Council in attendance.

**D.) NEW BUSINESS - None**

