

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
JUNE 26, 2017

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Bart McIlvaine** 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.: Gloucester County 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. Marino led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski		Excused
Cncl. Bob Heffner	Present	(Arrived 7:15PM)
Cncl. Joe Marino	Present	
Cncl. Cody Miller	Present	
Cncl. Pres., Bart McIlvaine	Present	
Mayor, Daniel P. Teefy	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Kathryn Cornforth, ARH	Present	
Dir. of Finance, Karyn Paccione	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Public Works, Mike Calvello	Present	
Dir. of Comm. Dev/Code Enf. Rosemary Flaherty	Present	
Dir. of Parks & Rec, Jim Bonder		Excused
Deputy Mayor, Andy Potopchuk	Present	
Chief of Police, John McKeown		Excused
Twp. Clerk, Susan McCormick	Present	

PRESENTATION

• **TRICO Municipal Joint Insurance Fund**

Paul J. Miola, CPCU, ARM Executive Director was in attendance to report on renewing the JIF Membership for 2017. Mr. Miola distributed pamphlets to those officials in attendance. He advised that Monroe Township is up for renewal this year and he wanted to make sure that the officials recognize the value of what you are receiving from the JIF and to let them know the resources available to the township. He spoke of the support received

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PRESENTATION *(cont'd)*

by our Risk Management Team, Safety Coordinator, Frank McLaughlin, Claims Coordinator, Christine Scola, Fund Commissioner, Kevin Heydel and Risk Management Consultant, Christopher Powell. Mr. Miola then went on to explain some of the highlights included within the information supplied to council.

- JIF = Success
- The Measure of Success
- Financial Strength
- TRICO JIF Dividends
- TRICO Loss Funding Trend
- Monroe's Assessment – 2014 vs. 2017
- Member Involvement
- Where Can We Improve and How Do We Compare

He then spoke of a 2017 Member Update and State of the Fund Snapshot included in the pamphlet of information. He also referred to a handout on cyber incidents and how valuable this resource is if and when you should incur a ransomware attack. He also noted we do provide environmental coverage. Mr. Miola extended his thanks to mayor and council for holding this presentation and hoped they would renew their membership with the JIF.

- **JIF Safety Incentive Program**

Christopher Powell, Hardenburgh Insurance Company - Township Risk Management Consultants was in attendance to present the annual program, this year entitled "*Put Safety on Your Agenda*". Mr. Powell distributed the program to those officials in attendance. He began by advising council on the purpose of the presentation and proceeded to review the content included in the program touching on key components such as:

- Purpose of the Presentation
- Core Leaders of the Safety & Wellness Program
- Financial Incentives
- OSHA & Peosh
- Regulatory Training
- How to Avoid Citations
- Process, Penalties and Types of Violations
- Township's 2017 Financial Resources

Mr. Powell then extended his appreciation to mayor and council for allowing Hardenburgh Insurance Group to serve as the Risk Management Consultant and they look forward to continue working with the township.

Mayor Teefy noted since Hardenburgh Insurance took over as Risk Management Consultants we have seen more interaction with our team here in Monroe and we are

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- PRESENTATION (cont'd)

thankful for this and we are getting a lot from the services received from both Mr. Miola and Mr. Powell, adding that our safety program employees speak highly of the interaction with both entities.

- Christmas Parade

George Miller came before mayor and council to present an idea on holding an "Annual Christmas Parade". Mr. Miller presented a handout that included preliminary information on the event and what it would entail, such as: budgeting, advertising and funding the event as well as parade floats and entertainment. Also included was a list of parade rules along with a map of the parade route. Mr. Miller explained since we are only six (6) months away until Christmas he felt it would be better served to move this to Christmas 2018 as this would give us more time to plan. He went on to note that he has been in touch with Parks & Rec along with Mr. Bonder on this. He advised he already was in contact with the merchants along Main Street to see if there would be anything scheduled for the date as he was looking at December 22, 2018. He also spoke with the police department on safety plans, manpower, etc. however in order to sit down and fully discuss this there had to be a definite "yes" on if the parade was going to take place. He then went into other specifics such as an approval process through the township. **Solicitor Fiore** spoke on an issue as to the approval process for a parade as this really is the first time that a private entity has made such a request. We did refer them to Parks & Rec for their expertise, now the process would be to get council approval at some point in time, as long as the emergency plan and traffic plan is put into place and a budget is set with regard to overtime for police officers, etc., it would then be drafted in the form of a formal resolution once it moves forward into 2018. Mr. Miller explained, basically I need a "yes" that this can happen and questioned where do we go as Parks & Rec was willing to help but they did not wish to take it on. **Cncl. Pres., McIlvaine** questioned if he had sufficient help to take this project on. Mr. Miller noted currently he has about 50-65 volunteers that would absolutely help. **Cncl. Pres., McIlvaine** questioned if he had started a committee to work on this. Mr. Miller responded that he did not want to formally start a committee only because we didn't want to go too far with it only to be told that we can't do it. There are 5 or 6 individuals that are very interested in starting a committee. It is a great undertaking and he felt ample time was needed to put something together that people want. He felt once this event was approved there would be influx of people wanting to help. **Cncl. Pres., McIlvaine** noted a consensus of the council would be taken and if it is approved then you move on and once you get everything together please come back and keep council updated on your progress. **Cncl. Dilks** questioned the solicitor if some kind of insurance was needed to hold an event of this nature. Mr. Fiore responded, certainly no question about it. Mr. Miller then noted he has received private quotes on that but he has to meet with the township to determine what is required on their part. **Cncl. Marino** posed some questions with regard to the dollar figures indicated on the handout that was distributed. Mr. Miller noted the figures are an estimated starting point. There was a brief discussion on the cost of running this kind of event and the resources that may be available from the business community and fund raising activities. **Cncl. DiLucia** noted the only caveat he had was that he was a little concerned with getting all the way there and then there being a shortfall of money. He noted he had no problem

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- **PRESENTATION** (*cont'd*)

with it going forward but he felt there should be a date where they have to come in with hard figures. As long as there is a date where they come and say this is what we have in hand, this is what our costs are with enough time to move forward and I would agree to that. Mr. Miller responded that he could advise council on the funding some 3-4 months prior. Again, I can't approach anyone on this until I have a "yes" to move forward.

It was the consensus of the council members in attendance to move forward and approve the "*concept*" of a Christmas Parade to be held in December, 2018.

B.) MATTERS FOR DISCUSSION

- **Block 4301, Lot 3** – Malaga Road/Poteat Lane
- **Block 4101, Lot 1** – Black Horse Pike
- **Block 15401, Lot 22** – 1800 Glassboro Road

Cncl. Pres., McIlvaine noted that the above Matters for Discussion were being removed from the agenda and would be re-scheduled for discussion at the Monday, July 24th Council Work Session.

C.) PUBLIC PORTION

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

Joe Fisona, Gibson Lane – approached council with regard to the timing of the traffic signal along Rt. 42/Cross Keys Road. He referred to a letter he received from Cncl. Miller and noted it had nothing to do with that intersection, it seems that apparently the police had submitted a request to have turn lanes installed in the area of Sam's Club. However, he did receive an update on the timing issue and noted there is a real problem with that intersection, it is a bad intersection and they (*NJDOT*) know it. There is a need to get a system that would work all ways, all directions because it is a real congested area. He advised they may have a project plan that may work and are hoping to get this resolved.

Richard King, Attorney representing AA Auto Salvage - Mr. King noted that he did not see a resolution with respect to "*towing*" listed on the formal agenda. **Solicitor Fiore** advised this matter would be discussed in Closed Session and if council decides to take action a draft resolution had been prepared. Whether council would take action or not all depends on the discussion and outcome of the Closed Session. He advised if Mr. King were to put certain things on the record, tonight would be the night.

Mr. King then noted that he was relatively new to the towing issues as apparently there is a history he was not a part of. He referred to a letter he received from Mr. Fiore dated June 5th that seemed to indicate that you are going to sort of try again. But then I was told maybe that was not the case and that you may accept certain applications, and not

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C.) PUBLIC PORTION (cont'd)

others. That is what got our attention and that is why I am here. If it turns out that you are going to do Mr. Fiore's plan and follow his recommendations then we really have no issue with that. Mr. King noted he understood the objective of the ordinance (*Chapter 262 – "Towing"*) was to first provide for the safety of the citizens and to have certain standards that would be applicable to your towing contractors. It seemed to him (*King*) there was an effort to recognize that it was better to have a few of them for all the reasons you want to have a few people doing it, in case one doesn't work out or does something wrong you have other options, more coverage, etc. With all that in mind you have a procedure whereby items are to be submitted and then reviewed by the decision makers as to whether or not those applicants are acceptable under your standards. Mr. King continued and noted there seems to be a question as to whether or not whoever is making these decisions can seek additional information and clarifications and I would submit that would make sense. He noted the reason this is different than some other things you may run into in terms of public bidding for a contract, is that the reason you are careful in public bidding to make sure that everybody has the exact same standards when they apply is that the price is going to be dictated by what insurance they have or how many employees they have and all the things that are required so that they can basically give a lower price because they are doing less work or have lower internal standards. The idea being everyone has to submit a bid, then you open it and everyone is on the same page and you can pick the lower one knowing that everybody has the same internal expenses and obligations. Mr. King continued, adding this is different, this is really not what you are doing here. You are creating a licensing program so that you can make sure that people operate in a safe manner so that in getting clarification there is not really any advantage there. He added, again I am working under imperfect information as the only official thing I have seen is a letter from Mr. Fiore. I did see there were certain important defects in all three (3) applications but they are technical and sometimes technical defects are not (*inaudible*). If they are allowed to correct that, that makes sense. As far as I am concerned it would be fine with us if everybody participated and you had three (3) contractors which is what, I think, you want. Then you would have three contractors who have all the safety qualifications you wanted.

Mr. King then spoke with regard to verbiage included in the ordinance (*Chapter 262-6 (B)*) states "The submission of a late application or incomplete application *under no circumstances will not be considered.*" Mr. King noted, what that says is you have to consider it if it is late. Mr. King noted I'm not crazy about making that argument to you but when you start getting into technical readings of ordinances and if that is the game that is being played, the ordinance says what it says. Now, if it intended to mean something else it is within your power to fix it you can pass a different ordinance keeping things the way they are for now. Fixing the ordinance then doing this process again would be a perfectly reasonable thing to do. He then noted, the point of all this is I am certainly not standing before you and telling you that you have to do anything, what I am trying to explain is that you have discretion and he felt that discretion should be exercised to fulfill the objectives of the ordinance. He asked that you exercise discretion to allow everybody to get to a point and answer any questions. Then by your deadline have three (3) good towers working for the township, adding that is the discretion he felt council should exercise. If that would not be the result then I would just ask that everyone be treated equally and if other people have technical deficiencies,

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C.) PUBLIC PORTION (cont'd)

everyone's technical deficiencies be put into play and you follow Mr. Fiore's initial letter, which I thought made sense when I read it the first time. Lastly, Mr. King noted if it is within your discretion to decide that if you thought the ordinance said one thing and it really says another then prudence would dictate that if we are going to take away someone's livelihood based on this ordinance it should say what you meant to say, then fix the ordinance. Mr. King again noted the choices that are before the council as you enter into closed session, adding he was a litigator by trade but problem solver first, he hoped that we could solve this problem and there can be three (3) good towers.

Michael Sweeney, Attorney representing A-Jack's Towing (*Jack Simmermon*) noted the issue of AA Towing (*Stalba*) adding there has been at least three (3) letters that went out from the solicitor saying that all required aspects of the application were to be due on May 1st and there were no exceptions to that. Mr. Sweeney added this ordinance was debated for well over a year and every tower in this room knew exactly what was in the ordinance and had the opportunity to appear multiple times to discuss any problems that they may have had, either with the new ordinance or with compliance. Everyone submitted their applications by May 1st and *Stalba's* was absolutely deficient in a very serious area, which was worker's compensation. He then spoke on B&B adding they received applications pursuant (*inaudible*) and through Solicitor Fiore and we identified nine (9) deficiencies in B&B's towing application, including some very serious ones that had to do with insurance. As early as this morning at 10:00AM we notified the solicitor of those issues. Mr. Sweeney continued and noted with regard to A-Jack's the issue, as I first addressed with you several weeks ago, was an issue that had to do with an abstract. We produced a gentleman, who actually spoke two weeks ago and appeared also at the last session, his company is recognized in fifty (50) states and the state police use him in New Jersey and those abstracts actually provide more information than the DMV abstract but it provides exactly the same information and it is compliant with your ordinance.

Len Fritz - 1712 N. Tuckahoe Road approached council with respect to the Open Space Committee. He noted he was befuddled by the fact of the improvements that are currently taking place at the intersection of Rt. 322/Fries Mill Road and anyone that drives through there knows the traffic conditions and it is actually worse now that the DOT has installed curbing. This seems to be just a waste of our tax payer's money, questioning if this could be stopped so that it is done the right way. **Mayor Teefy** responded that is a state run project and they informed us they would be paving the streets and then informed they would be putting curbing/handicapped ramps in to nowhere. They feel it is the right thing to do because they are improving the roads and they have to put the curbing in. He urged Mr. Fritz to call Senator Fred Madden on this. The township is trying to move along with the expansion of the intersection and feel this is stupid. If they would have asked us with regard to the curbing we would have responded not to do that but by law they feel they have to. The mayor noted Senator Madden has been trying to fight this on his end. **Cncl. Pres., McIlvaine** noted this is out of our hands, the frustration is there, the same way it is with Berlin/Cross Keys and the Pike and several other intersections in Monroe Township needs work and unfortunately for years it has been getting kicked down the road and it sounds as if it is going to continue. However, when we bring it up they say when we improve a road we

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C.) PUBLIC PORTION (cont'd)

must bring it up to be ADA compliant. Even though there aren't many sidewalks there they still have to make the ramps to be in compliance. **Cncl. Miller** advised, to his knowledge, this is a federal standard and it would take maybe an act of God to get it changed, but that's their interpretation. The mayor then explained, if there is an existing path then they must put it in however there is no existing path. There was then a brief discussion on the development/improvements of that intersection (*Rt. 322/Fries Mill Road*)

Cncl. Miller made a motion to close the Public Portion. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council.

D.) NEW BUSINESS

Cncl. Pres., McIlvaine noted we have just received deed to the house located next to the Fire Company on Main Street and he would like to move on the demolition of this property. He questioned if the money was available for that. **Mr. Heydel** indicated it would depend on the cost but he believes we do. It was noted this project would have to go out to bid. **Mr. Heydel** advised on the condition of the property.

E.) OLD BUSINESS

Cncl. Pres., McIlvaine noted that apparently the help that volunteered to work on the Hall Street School has fallen through and I would like to initiate an RFP or put the project out to Bid whatever is required to get the roof repaired. **Cncl. Heffner** advised when preparing the RFP/Bid specifications he felt there should be two different roof alternates, one for asphalt shingles and one for cedar shingles, as that is the only way to be fair. **Director of Community Development/Zoning Officer, Rosemary Flaherty** asked for the opportunity to reach out to the individual on this because the other emergency contractors were all donating their time as well, they were all going to pitch in together to do the roof. **Solicitor Fiore** urged everyone to consider all the options (*donations versus bid process*) because if you would be installing cedar shakes, if you have a licensed roofing contractor it comes with certain warranties and guarantees. **Cncl. Marino** advised that usually the installation guaranty is very short, where the rubber hits the road is dealing with the manufacturer's warranty. So, as long as we get the manufacturer to have a representative go there and make sure it is installed properly, we would get the full warranty as it must be certified. **Mayor Teefy** noted we have wasted two months with delays as it is a lot to undertake for any volunteer/volunteers and we are unsure as to the guarantees being there. He felt an RFP was the best way to go to get this project done. **Cncl. Pres., McIlvaine** then noted we will go through the bid process however if Ms. Flaherty comes up with something we will delay/stop the bid process and discuss handling it with the volunteers.

F.) COMMITTEE REPORTS

Cncl. Miller reported the Re-development Committee met today and the Block and Lots have been identified/compiled for three (3) potential "*Redevelopment Designation Sites*",

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F.) COMMITTEE REPORTS (cont'd)

those being Mink Lane & Sicklerville Road, Tuckahoe Road & Rt. 322 and Main Street. This is to do a primarily discussion for the designation of "Redevelopment", the matter will be referred to the Planning Board and there should be a resolution prepared for the next council meeting. Based on our determination we considered these areas in need of redevelopment. **Cncl. Miller** then noted another matter discussed was the abatement for age restricted housing. We do have a group that I would like to have come to a future ordinance committee meeting and it is in regard to the 110 Whitehall project that already has homes approved. They would like to return to age-restricted which is a great thing for the township because there would not be any school children in the system. They would like to give a presentation showing a cost benefit analysis, why they feel a five year abatement is feasible, what it would mean for the township and the reported studies on this issue. He noted he would like this presentation made at the Ordinance Committee Meeting because this issue will need to be addressed by ordinance.

Cncl. Marino questioned if Council would like to re-advertise the RFP for the tax card administrator. **Cncl. Pres., McIlvaine** asked Council their feelings on this issue and all were in favor of re-advertising the RFP for a tax card administrator.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Cncl. Heffner referred to Resolution R:165-2017 dealing with Sahara Sands and noted he requested information that he still has not received. **Engineer Kathryn Cornforth** explained as part of the review process they contacted the company's engineers and the monitoring wells are not currently installed but their intent is to install them by the end of the year and the engineer recognizes they have to go through all the testing before they can start mining. **Cncl. Heffner** recommended the Resolution be removed from the agenda until all their paperwork is received. Mrs. Cornforth explained they are not mining right now this is just a renewal application so they can keep the site active. Five years ago when the permit was renewed it was done with the same intension because none of the site was cleared. We put the same caveat on and they know before they start mining they have to do all the background and Council previously approved the application with those conditions. **Cncl. Heffner** noted they have completely cleared the site now so we should hold off until they put the monitoring wells in. **Cncl. Pres., McIlvaine** questioned if they did start mining would the township have a leg to stand on to stop them. Mrs. Cornforth noted it is her understanding that the mining permit is enforced through Zoning and there is a bond in place in the event there is a violation but she was not 100% sure what happens if they start ahead of time. **Cncl. Pres., McIlvaine** questioned why the monitoring wells were not put in. Mrs. Cornforth explained in the beginning of the year they said their intention was to prep the site to begin mining because they are getting ready to close their existing facility. They want to make sure once the current facility is closed there is not much down time until the equipment is moved to the new site. **Cncl. Heffner** felt once this gets going and it falls under Mrs. Flaherty's office it could become a legal nightmare that will drag through the courts or we can say no until it is done right. He noted the homes in that area

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

are all wells there is no water and sewer lines there and he does not want that headache. **Deputy Mayor Potopchuk** commented that he previous worked for a sand mining company and knows that once they get in they will start mining and will pay the fines. **Cncl. Marino** questioned when the monitoring wells are installed would the engineer monitor them before operations are started. Mrs. Cornforth explained before operations start they are required to take two different samples, one in April and one in October and that is what establishes the background data. **Mayor Teefy** felt it would be good to send them a message and Cncl. Pres., McIlvaine agreed. **Solicitor Fiore** explained the resolution should either be pulled or denied. Pulling the resolution would mean that at some point in time Council will take action on it and he questioned whether there was additional information that Council would need. Council discussed whether it would be best to pull the resolution or deny it. Solicitor Fiore explained both ways has the same effect because they will have to reapply at a certain point in time. If the resolution was pulled it could be in perpetuity and it will be there forever or it can be denied and that will send them a more direct message. The Clerk noted she did not want to tell council what to do but if the resolution is tabled or removed it will just sit there but if action is taken on it Sahara Sands will have some concrete information to go on and it can be brought up again. **Cncl. McIlvaine** noted Council will take action on the resolution during the Regular Council Meeting. Mr. Fiore suggested Council place on the record the reasons why the action is being taken.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Miller** made a motion to adjourn the Council Work Session of June 26, 2017. The motion was seconded by **Cncl. Heffner** and was unanimously approved by all members of Council present.

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 June 26, 2017 and serves as only 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 JM
Approved as corrected _____

Date 7/24/17
Date _____