

**MINUTES
WORK SESSION MEETING
TOWNSHIP OF MONROE
SEPTEMBER 25, 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.: 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. Miller led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. Bob Heffner	Present	
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	(Arrived 7:45PM)
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		Excused
Chief of Police, John McKeown		Excused
Twp. Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **Health Benefits**

Cncl. Pres., McIlvaine explained at a previous council meeting there were some questions regarding health benefits for retirees and he requested Christine Scola to attend this meeting to answer those questions. **Cncl. DiLucia** explained when employees called Blue Cross regarding the \$400.00 out-of-pocket threshold some were told prescriptions do not count towards it and others were told that it does. Mrs. Scola emailed Council that once the \$400.00 is reached in any combination it will set off a trigger and employees will pay

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B.) MATTERS FOR DISCUSSION (cont'd)

nothing after reaching that cap. It does not apply to retirees. Some employees went over the \$400.00 and nothing was triggered so Blue Cross has no clear policy and for the sake of our members we need to get a clear understanding from them about whether their computer system is capable of automatically picking up that employees should pay no more for a doctor visit or prescription once that max is reached. He questioned if an employee does continue to pay how will they be reimbursed and how are the retirees being handled since they have a different threshold. **Christine Scola** explained she has four employees that have met their out-of-pocket so she contacted Horizon. What happens is Horizon runs a nightly report and sends it to Express Scripts, which handles the prescriptions. That file is broken so Horizon doesn't know whether Monroe Township is the first to figure that out because other towns such as Glassboro are in State Health Benefits and they have had no problems. Horizon is now manually looking at every person in the township per the activity report that she sent them and at least four people have gone over the out-of-pocket limit this year. There will be a resolution to this matter but she does not have that yet as they are still manually working on it. By next week they should have something for her but Horizon is not going to fix that file because January 1st the prescription will be moving to OptumRX in place of Express Scripts. They will run a manual now and then another on December 31st as there could be others who meet the criteria from October to December and anyone who met it or has gone over will be reimbursed. **Cncl. DiLucia** felt they should go back to April 2016. Mrs. Scola explained she wants to get 2017 corrected first and then she will look at that because it might be that the system has been broken since 2016, which was the first year Express Scripts was used. Prior to the township going into State Health Benefits they used Medco so it could just be Monroe's file that is broken but they will make everyone whole. Mrs. Scola will be sending an email to all employees reminding them that they can go on line to Horizon Blue and check their claims themselves. **Cncl. DiLucia** questioned how are they going to reconcile the retirees because that is a much more complex situation. Mrs. Scola explained retirees do not need to be reconciled and the reason is their medical meets a \$400.00 max through Horizon. On the prescription side retirees must meet an out-of-pocket of \$1,351.00 and it is impossible to meet that amount. A person would need to get 66 prescripts at \$44.00 a piece of a non-preferred drug for the entire year. **Cncl. DiLucia** noted some retirees may have no copay because they may have retired when there was a \$2.00 prescription copay so we owe them the difference. If they had prescriptions that amounted to \$1,000.00 they would have only paid \$80.00 and we would be responsible to pay them back so how are we tracking that. Mrs. Scola advised that is handled through a third party. **Cncl. Pres., McIlvaine** explained the cost of his prescription is \$66.00 so the township reimburses him the difference between that cost and the \$15.00 the prescription should have cost him. If a retiree's copay is \$2.00 or \$5.00 it would take them forever to reach that \$1,351.00 because they are always getting their money back. **Cncl. DiLucia** agreed that was the case if retirees know they can do that but there are some that are not aware that they are supposed to turn their bills in to get reimbursed. He questioned whether the township tracks that or is it up to the retiree to keep track of that and send their receipts in on an annual basis. Mrs. Scola explained it is their responsibility to do it and there should not be one retiree that does not know about this. **Cncl. DiLucia** questioned how many retirees put in for reimbursement last year. **Mr. Heydel** advised about forty-five out of 100. Retirees will receive letters from the township

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B.) MATTERS FOR DISCUSSION (cont'd)

giving them directions to follow when we go to OptumRX. Cncl. DiLucia questioned if letters could be sent telling them they may be owed money since April 2016. Mrs. Scola commented that she is in contact with retirees often because she also handles their Part B Medicare reimbursement and their life insurance and sometimes they say their prescription was just \$10.00 so they were not putting in for reimbursement. Mrs. Scola noted next week she will be in touch with them and will email Council to keep them aware of what is happening.

- **Request For Information – Wireless Antenna System**

Cncl. Marino explained he and the Solicitor went back and forth between and RFP and an RFI and it was finally condensed into a simple format to try to get some information from companies such as AT & T and Verizon that provide multisite small cell networks. He noted he wants to ask the Solicitor if this can be put on the website as an RFI to get some responses and then the Telecommunication Committee (Cncl. Heffner, McIlvaine and Marino) could sit down with them individually to see where the small cell networks can be placed in the township and how they overlap with providers. Cncl. Pres., McIlvaine questioned if the Solicitor was ready to put this into resolution form so it could be moved forward or did he have issues with it. Cncl. Marino explained we were trying to condense it because it was going out as an RFP but we are not at the point to ask for a price proposal. We are just asking for information so does that need to be done by resolution. The Clerk noted the Solicitor is not here to make that determination but in her experience a resolution authorizing the Clerk to advertise is done once a submittal date is established. If the Solicitor does not require it to be done by resolution then Council can just authorize her to advertise it once the submittal date is established. Cncl. Marino felt 30 days should be given. Cncl. Pres., McIlvaine questioned if Cncl. Marino wanted Council to move this forward to a resolution. Cncl. Marino requested Council be polled to see how everyone felt about this. Cncl. Pres., McIlvaine polled Council and all were in favor of moving the matter forward pending the Solicitor's decision.

- **Summerfields West**

Engineer Kathryn Cornforth explained she forwarded to the Solicitor an email from the new attorney representing Summerfields West who is requesting the current bonds for Phase I currently under construction be released and that Phase II bonds be waived because Summerfields West is a 100% private site. Mrs. Cornforth advised she has faith that the Temples will finish the development but she brought this to the Solicitor's attention because recently we have been requiring bonds for privately owned sites such as Cross Keys Pavilion, Barclay Glen North and Justin Commons. A bond estimate for Barclay Glen South was just completed and the decision made on Summerfields could potentially impact whether or not they are required to post a bond. Mrs. Cornforth noted she is trying to make sure the township is being consistent on requiring bonds or if they are be waived we need to come up with a criteria of why it is being waived in one instance and not the other. She is concerned that an Amberleigh situation could happen all over again. Amberleigh was a 100% private residential development and the only way that was

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B.) MATTERS FOR DISCUSSION (cont'd)

completed was because the township had bonds that could be called. She recommended a decision be made to require bonds be posted no matter what or the actual criteria be established for waivers. Council questioned whether other towns give waivers. Mrs. Cornforth explained the Municipal Land Use Law allows the approving board (*Zoning or Planning*) to do it at their discretion. Bonds are always required on residential sites turned over to the township because the township needs to be protected however the history of private sites in Monroe is sometimes they were required and sometimes they were not. She didn't know how the decision was made to require or not require bonds because ARH is not the engineer for either board. She recommended Council stay consistent because if the bond is waived for Summerfields Barclay Glen may question why they are required to post a \$5,000,000.00 bond. Council questioned if the township has held the private accountable in the past. Mrs. Cornforth replied yes in areas where residents will be living. **Cncl. Pres., McIlvaine** noted he would like to hear what the Solicitor has to say about this but personally he was in favor of holding the bonds for everyone because of what happened with Amberleigh. He added the Solicitor may be able to give some direction or pros and cons on the issue so if he does not come tonight this matter may need to be addressed at the next Council meeting. Mayor Teefy questioned what makes Amberleigh private compared to other developments. Mrs. Cornforth explained it's private because the HOA is responsible for all roads, curbs and sidewalks. There was an agreement with them regarding the basin but the rest of the development is 100% private and it is the same thing with Summerfields, Barclay Glen and Justin Commons. The township will never own the roads so when you look at the tax maps there is no right-of-way. The township does not maintain the storm system but we still inspect it just like any other site to make sure it is built according to their approvals. The township does not own any of the infrastructure but because it was residential bonds were required in the event the developer walks away or goes bankrupt leaving the HOA, which may not be 100% with unfinished roads, damaged curbing and damaged sidewalks. The Mayor questioned besides the bonds is there an engineering escrow. Mrs. Cornforth explained the engineering escrow is not leverage that is just what pays the engineers or other professionals working at the site to ensure compliance. Council questioned whether Phase I was on a maintenance bond or still on the performance bond. Mrs. Cornforth explained she would have to check the records as Phase I had a series of bonds because it was opened in three separate phases. Some of the development has not been landscaped or top paved so the township still holds that bond. The other may be on a maintenance bond indefinitely or it may have already been released because they are responsible to fix everything. Only half of Phase II is being opened so it is up to Council whether a performance bond is required and the bonds for Phase I released. It would be the same for Barclay Glen, as ARH is about to draft their letter. The Clerk questioned since this falls under Chapter 175 wouldn't the decision need to be made by one of the boards and is there criteria on why one site would be required to post a bond and another wouldn't. Mrs. Cornforth explained those boards make the decision on whether or not those bonds are required and then Council must ultimately accept them. She didn't know whether the ordinances gave the criteria as to why some are required. One performance bond in place is for the top course and buffer landscaping work that has not been installed so they can't put up a maintenance bond for work that was never done. They can only put up a maintenance bond for work that has already been completed. **Cncl. Pres., McIlvaine** polled Council and all agreed that it should be kept consistent.

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C.) PUBLIC PORTION

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

Ann Simmermon asked if the Public Portion could be reopened when the Solicitor arrived as she wanted to address her issues with him. **Cncl. Pres., McIlvaine** noted as long as there was time he would reopen the Public Portion.

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

D.) NEW BUSINESS

Mayor Teefy requested to make three appointments during the regular meeting to the Municipal Alliance to fill vacancies for terms expiring December 31, 2017.

E.) OLD BUSINESS

Cncl. Garbowski questioned whether anything was received from the Real Estate Director regarding the properties from the land sale. **Mayor Teefy** advised he has not received anything back from him yet so he will contact him again regarding this.

Cncl. Garbowski questioned the status of repairs to the Hall Street School. **Mr. Heydel** advised the roof was mentioned at the last Council Meeting but no one gave him any information so he has no idea what type of roof was going to be installed. Council noted discussion took place regarding a three dimensional asphalt shingle with a fifty year life time. **Mayor Teefy** requested **Cncl. Marino** meet with him to prepare an RFP for the project.

Cncl. Marino advised an addendum with the dates of the pre-bid walk through must be included with the Williamstown Fire House RFP. He spoke to the Solicitor about it but it is not on the website yet and the people that requested RFPs need to be notified, as the walk through will be next Wednesday and Thursday. The civil engineering side of the RFP will be removed by addendum whether it is the same addendum or two different ones. **Cncl. Garbowski** advised removing that can be done at the pre-bid meeting. He noted we will need an addendum because we will get questions from the perspective bidders and that will need to go out to all potential bidders so it is fair. The Clerk noted she only has the names of the people who picked them up in her office. If people got the RFP from the website we have no way of notifying them other than the addendum being placed on the website. **Cncl. Marino** commented there is verbiage in the RFP regarding the walk through and the people should be monitoring the website for that date so we need to get the addendum posted. He noted he sent the dates and times to the Solicitor to prepare the addendum.

Cncl. Marino questioned whether Council was going to revisit the Housing Inspector stipend which the Mayor vetoed or was that a dead issue. The Clerk explained

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E.) OLD BUSINESS (cont'd)

the ordinance approval process and that once an ordinance is vetoed by the Mayor it must go on the next Council Meeting agenda for reconsideration by the governing body not less than three days but not more than ten days after an ordinance is vetoed. To override a veto takes 2/3 vote (5 members) of the governing body. Council can reconsider the ordinance or take no action. **Mayor Teefy** explained it seems that each time a person is asked to do a little more work they request a stipend and that hurts the taxpayers so we need to put a hold on them. Employees are given a fair share wage and they should be able to accept a little more responsibility. **Cncl. Marino** noted he is confused because during the Ordinance Committee Meeting everyone agreed to this, during the second reading almost everyone was in favor of it and everyone thought there was more revenue coming in to justify the stipend. The Mayor noted he is trying to move away from stipends. **Cncl. DiLucia** questioned whether this is a personnel matter that should be discussed in closed session. The Clerk replied no, this is just reconsideration of the ordinance the Mayor vetoed unless the Solicitor has something that he wants to add and requests it be discussed in closed session. This does not deal with the person just the position that was previously voted upon and it must be placed on the meeting agenda for reconsideration. **Director of Code Enforcement, Rosemary Flaherty** requested this matter be tabled tonight as she would like to meet with Dan Kozak and the Mayor to review the salary history of the employee as well as the revenue being generated before this matter is reconsidered. She recently found the State is now performing inspections on hotels/motels and multiple dwellings and getting the revenue and it makes no sense that inspections are not being done in-house so we can see what is going on in the hotels/motels. At this time Solicitor Fiore arrived at the meeting and advised the matter cannot be tabled; it must be voted upon. **Cncl. DiLucia** noted there was a lot of discussion on this at the Ordinance Meeting and **Cncl. Heffner** asked the Mayor if he had a problem with this and he said no. He added the stipends for the directors were all raised with no change in their jobs and there was no explanation when that was done. It might have been a cost of living increase but since he didn't know he felt this would be inconsistent and for that reason he would vote against the veto based on the fact that it changes what was recently done. **Cncl. Pres., McIlvaine** advised this matter will be addressed during the Regular Council Meeting.

Cncl. DiLucia questioned the status of the dog park. **Engineer Kathryn Cornforth** explained ARH is still in the process of completing the design. The concept was approved, we have the traffic information and now we are going through the stormwater design, which is the bulk of the work that will be required for Pinelands. **Cncl. DiLucia** questioned how long before a shovel is put in the ground for this project. **Mrs. Cornforth** noted realistically probably next year because once the information is submitted for Pinelands permits it takes thirty days and they usually find something wrong so corrections will need to be made and the plan will need to be resubmitted. Our goal is to have everything submitted to them by the end of the year. **Cncl. DiLucia** noted it has been about four years since Council approved this and the township received funding for it. **Mrs. Cornforth** explained Council did not immediately authorize the contract when the funding came in and that is part of the reason it is taking a little longer.

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E.) OLD BUSINESS (cont'd)

At this time Cncl. Pres., McIlvaine requested Mrs. Cornforth to explain what was previously discussed regarding Summerfields West and setting criteria for site plan bonds/waivers. **Solicitor Fiore** recommended criteria be established that would require performance bonds for private communities because without those bonds there is no assurance the community will be completed to the satisfaction of the engineer. Summerfields West has a developer's agreement requiring them to post a bond and that agreement was approved by the municipality. We are just protecting the future of the township to make sure the roads are done properly.

PUBLIC PORTION - REOPENED

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

Ann Simmermon, 1107 North Tuckahoe Road noted her husband received two letters from ARH, one dated September 12th and the other September 19th. She questioned what were these letters referencing, inconsistencies, concerns or things that he did not do? Solicitor Fiore did not have the letters in front of him but he felt they were referencing compliance of a prior site plan approval. Mrs. Simmermon referred to the September 12th letter and noted she is completely disappointed that ARH would propose a letter like this without doing their research. Solicitor Fiore interrupted Mrs. Simmermon and advised that at the time that letter was written Mrs. Cornforth did not have all the zoning files and that letter was corrected. Mrs. Simmermon went on to say it shocks her that the township would allow this letter to go out as it is accusatory saying that things were outstanding on Jack's property when indeed they are not. The letter references two site plans but never the final site plan of January 8, 2008. After doing a more thorough investigation the September 19th revised letter cut the deficiencies in half. Mrs. Simmermon read from a 2009 ARH letter *"the referenced site was inspected on July 5, 2009 and we find the site improvements have been completed in accordance with the approved plans. We recommend the bond guarantee be released."* She then went on to express her concerns that Mrs. Cornforth did not do a thorough investigation, that this is harassment and retaliatory and these letters were generated to put doubt in someone's mind that Jack is not in compliance with the ordinance like the other two people on the towing list. Mrs. Simmermon stated it is insane what is going on and that she has to pay an attorney to answer these letters that were clearly not investigated and it is clear that accusations are being thrown out that do not exist. She spoke of how Jack was called to pick Cncl. Cody Miller up in Delaware and how he didn't go out of his way to do this because his business has someone on call 24 hours a day. Cody went on line to thank Jack's business and within 24 hours that post was down and when Jack inquired why he was told it was because Cody was told to take it down. Cncl. Miller explained he removed it because he didn't want to show favoritism over the other towing companies. The township was involved in litigation and he didn't want any of the other towing companies to come back and say he was making decisions because of his relationship so that's why he removed it. Mrs. Simmermon noted she felt sad that a councilman could not give credit to a tower. Jack has sponsored the police, did the Municipal Alliance car, had fire, ambulance and K-9 training in his yard and she finds it

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PUBLIC PORTION – REOPENED *(cont'd)*

disgusting that a councilman can't publically thank a tower for doing his job. She felt if it was any other tower in this town the post would have stayed up but because it was Jack it was taken down. Cncl. Miller apologized if he offended Mrs. Simmermon. He stated "for the record" that he was thankful that Jack picked him up. Mrs. Simmermon noted she wanted to bring up the ARH letters because they are very misleading and her attorney told her Council would be discussing them in a meeting tonight and she did not want Council to hear only one side of the story, as Jack can document 100% of anything in the ARH report. **Solicitor Fiore** noted all Mrs. Simmermon's comments are appreciated and that is why he contacted her lawyer to advise that no action will be taken tonight because that letter had been circulated and it needed to be addressed fairly. He added he contacted Mrs. Cornforth when he saw the September 12th letter because it was obvious that there were other letters that she was not aware of when they did their first review. Across the board he wants to be fair to everyone, it was not retaliation on any of the towers we thought it would be best to look at everyone's site. Mrs. Simmermon questioned if there was a complaint about Jack's yard. Mr. Fiore assured her that there was not it was just the consensus that everyone's yard should be reviewed to ensure everyone was in compliance.

Dan Kozak, 1907 Winslow Road referred to the housing official stipend and advised the employee did not ask for any money for doing the additional work it was his director that saw the person doing more and felt compelled to ask for additional money. **Mayor Teefy** and **Mrs. Flaherty** advised that is correct.

Domenic Burgess, B & B Auto referred to the correspondence from ARH and questioned if that is what is being addressed or are we waiting for something from Zoning. Solicitor Fiore advised how the issue will be dealt with will be discussed during Closed Session. **Mrs. Flaherty** noted she sent the letters to each one of the towers with an email telling them that whenever they wanted to come in she would be happy to help them get their sites into compliance. She added in regards to the stipend it was done at her request because the revenue and the work had tripled and she recommended a \$5,000.00 stipend.

Mr. Burgess noted the letter says his site needs to be surveyed because an adjustment is being made to their estimated site and he questioned whether the property should be surveyed before he answers this. Solicitor Fiore advised that will be addressed in Close Session because Mr. Burgess and A-Jacks already went through the site plan process so both sites were reviewed.

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

F.) COMMITTEE REPORTS

Cncl. Marino asked Mr. Fiore if he could prepare the addendum to the RFP for the fire house. Mr. Fiore advised the draft was finalized and he will send it to Mr. Heydel tomorrow. He advised it should be sent to everyone who picked up a packet. The Clerk noted she has the contact information of those who received one from her office but not those who got the RFP directly from the website. Solicitor Fiore advised the addendum

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F.) COMMITTEE REPORTS (cont'd)

regarding the walk through can be posted to the website and those dates should not be changed and if questions come in, even if by one vendor, we are required by law to circulate that question as well as the response to everyone. The Clerk questioned who approves the addendum. Cncl. Marino noted the addendum should just be about the walk through dates and times and we will advise everyone then that the civil engineering requirement is removed from the RFP. Mr. Fiore explained he amended the RFP to delete all reference to civil engineering and the special permitting, which our engineer will now be doing. He requested Cncl. Marino and Cncl. Garbowski review the addendum and get back to him.

Mr. Fiore advised the resolution for the wireless communications can be done at the Special Council Meeting that will be scheduled on October 11th prior to the Ordinance Meeting.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 9/25/17 - None

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 9/25/17 - None

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Miller** made a motion to adjourn the Council Work Session of September 25, 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 September 25, 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 Am
Approved as corrected _____

Date 10/9/17
Date _____