

**MINUTES  
WORK SESSION MEETING  
TOWNSHIP OF MONROE  
APRIL 12, 2011**

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

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

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:02PM)
Cncl. Pres., Marvin G. Dilks, Jr.		Excused
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel		Excused
Solicitor, Charles Fiore	Present	(Arrived 7:15PM)
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:15PM)
Dir. of Code Enforcement, George Reitz	Present	(Arrived 7:15PM)
Dir. of Community Affairs, Sandy Dilks		Excused
Twp Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

**Cncl. Vice-President, Frank Caligiuri** noted there were no matters for discussion scheduled on the agenda.

**C.) PUBLIC PORTION**

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

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D.) NEW BUSINESS - None

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS

**Cncl. William Sebastian** reported that the Public Safety Committee met with the police officers association to review their request for a signature on an agreement that was previously discussed (*Unified Promotional Procedure*). The matter is pretty much status quo and the committee advised the officers to leave this matter as part of their negotiations. **Cncl. Sebastian** then advised the Law Committee met to review the Vendor Ordinance (*Chapter 230 – Peddling & Soliciting*) and this is still a work in progress. The Mayor then advised that he has since suspended the issuance of any *new* Peddling & Soliciting licenses.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 4/12/11

**Cncl. William Sebastian** posed a question with regard to Resolution **R:78-2011** (*Emergency Temporary #3*). He referred to the total amount of the temporary appropriations being listed as \$22,371,971.00 in the resolution and questioned what the actual budget figure was, noting he thought it was somewhere in the area of \$33,000,000.00. It was noted that Mr. Coles prepared the attachment to the Resolution (*“Schedule A”*) and Mr. Sebastian will contact him for clarification.

**Cncl. Walter Bryson** referred to Resolution **R:76-2011** (*Agreement Addendum Red Light Photo Enforcement System*) and noted there does not appear to be any cost to the township but questioned if there were some costs to be incurred from the State. The Mayor indicated there would be no money coming from the State, they sent the letter to advise that they would not be responsible for any costs associated with the installation and maintenance. Mayor Gabbianelli noted the township is now working on traffic camera #2 which is tentatively scheduled for the intersection of the Black Horse Pike & Cross Keys Road. This would be in conjunction with Washington Township. He also added that the camera system originally scheduled for Corkery Lane and the Black Horse Pike will not be installed (*at this time*) due to a number of issues with that intersection. **Director of Public Safety, Jim Smart** referred to the original red light camera/traffic control signal system presentation made by the Chief of Police where it is was noted that the police department would review all violations then send out the citations. The Mayor indicated this was correct. Mr. Smart then referred to a memo that was generated that stated all volunteer and emergency vehicles going through the intersection will be ignored and he asked for clarification on that, as he was a bit confused on how the procedure would work. It was noted that the service (*American Traffic Solutions, Inc.*) would review all documentation first then those they feel are questionable or close-calls would be sent to the police department for final review. There was further discussion on just how the system works with respect to emergency/volunteer and municipal vehicles.

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**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 4/12/11 (cont'd)**

**Cncl. Frank Caligiuri** questioned Resolution R:73-2011 (*Sidewalk Installation*) and just exactly where this was located. The Mayor advised a grant application was submitted for an area along North Main Street in the vicinity of both the Candlewood and Scotland Run developments just across the street from the Old Chappe Candle store.

**Cncl. Frank Caligiuri** referred to Resolution R:76-2011 (*Agreement Addendum Red Light Photo Enforcement System*) and questioned the wording in paragraph 4 of the agreement:

*“the parties understand that the Red Light Photo Enforcement System requires a “pulse” from the State’s system and as such, the Township agrees that any resulting interference with the State’s system is the total responsibility of the township and, in the event the “pulse” or any of the interface between the Township’s equipment and the State’s equipment causes any damage, whatsoever, the Township shall be responsible for the costs of repair, and in the event of personal injury, the Township shall defend, indemnify and hold-harmless the State in the event of any personal injury claim which is the result of the “pulse” and/or the interface”.*

**Cncl. Caligiuri** also questioned whether the township should have a hold harmless agreement from the supplier. **Solicitor, Charles Fiore** indicated that he addressed some of these issues with Mr. Heydel as he did have a concern with some of the language. He advised to contact, at least, our insurance carrier to find out if they are going to indemnify and hold us harmless. **Cncl. Caligiuri** then referred to the section dealing with the malfunction of the system and the possibility that it could be at the expense of the township. He requested clarification on this and questioned if the township is without a hold harmless agreement with the supplier would the township be on the hook. **Solicitor Fiore** explained that the document is an amendment to an original agreement dated back to 1949. Under this agreement, it may have indemnified us but it still does not relinquish the fact that we still have to defend the case. **Cncl. Caligiuri** noted that we are dealing with an unknown; we could be held liable if there was to be a personal injury. The Solicitor noted that he agreed totally, as he had raised such an issue with Mr. Heydel. **Cncl. Caligiuri** then referred to a correspondence dated April 5, 2011 from Mr. Fiore to Mr. Heydel requesting confirmation that the contractor will be responsible for all the items set forth in the agreement to be executed with the State. There was continued discussion on this with the Solicitor indicating that under “negligence” the township is responsible and generally our insurance carrier covers that, if something is intentional/punitive it may not be covered and could be a direct burden upon our taxpayers. He felt there is some vulnerability here and we need to address certain issues.

**Cncl. Ronald Garbowski** made a motion to Table Resolution R:76-2011 scheduled for approval on the Regular Council Meeting agenda of April 12, 2011. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by the members of council in attendance.

**Cncl. Frank Caligiuri** questioned Resolution R:77-2011 (*Change Order #1-Neri Construction \$4,114.00*) and the reason for the dollar amount change. **Dave Cella, ARH** noted this is a Unit Price Contract and the vendor asked for an escalation on materials,

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**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED – 4/12/11 (cont'd)**

some labor costs, etc. **Cncl. Caligiuri** questioned if there was a provision in the contract that allows for escalation. Mr. Cella responded the law allows for it however when we put this out to bid it was not required.

**Cncl. Frank Caligiuri** referred to Resolution R:79-2011 (*Cleaning Services for the Library*) and questioned if a Certification of Funds was required. It was indicated in the text of the resolution that the Library Director has noted funds will be available in their budget. He also questioned the need for a Certification of Funds for Resolution R:86-2011 (*Special Labor Counsel Contract*). It was explained it cannot be certified as there is not a specific dollar amount just an amount not to exceed.

**Cncl. Frank Caligiuri** referred to Resolution R:87-2011 (*Awarding Bid for Corkery Lane Traffic Signal*) and questioned the amount of \$362,928.45 included in the resolution for the improvements of Malaga Road and Corkery Lane. **Mayor Gabbianelli** explained the township put the project out to bid to expedite the traffic light because it is easier for a municipality to get the permits but that cost is the responsibility of Wal-Mart. He noted Wal-Mart got their \$164,000.00 building permit last Thursday so that project should begin shortly. **Cncl. Walter Bryson** questioned whether they were going to start the intersection first or wait until the road is improved. **Dave Cella** explained they are working on the intersection and if the bid is awarded at the Regular Council Meeting a preconstruction meeting will be held within the next couple of weeks. **Mayor Gabbianelli** noted all the work the engineers have done on this project is being funded through Wal-Mart's escrow money. Mr. Cella added Wal-Mart is taking the lead on widening the roadway; the township is only dealing with the intersection.

**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED – 4/12/11**

**Cncl. William Sebastian** noted some verbiage has been changed on page two of Ordinance O:09-2011 Section II, subparagraph B. The original verbiage at First Reading stated "*the ordinance shall bear interest at a rate not to exceed the maximum permitted by law*". The Local Finance Board approved a maximum interest rate of 8.5% and a request was made to include that in the ordinance prior to Second Reading. The ordinance was revised to say "*not to exceed a maximum of 8.5% as permitted by law*". That language was chosen so there would be no need to re-advertise the ordinance or hold it up from moving on to Second Reading. **Mayor Gabbianelli** indicated that percentage has been decreased to 7.9%.

**I.) REPORTS**

The Clerk noted Whitehall School submitted an application this afternoon for a Carnival Permit for their Spring Fair. All the paperwork needed for the Clerk's Office is complete and once they get their permit their next step is to go through construction for inspections of the rides. **Cncl. Caligiuri** polled Council and all were in favor of moving the application forward to the Regular Council Meeting for consideration.

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I.) REPORTS

**Cncl. Ronald Garbowski** reported the Economic Development Committee would like to install "Welcome To Monroe Township" signs at the township borders and they will be making a presentation to Council to get comments. The committee would like the signs to include some type of language that would make it known the township is open to business. Cncl. Garbowski spoke of the \$80,000.00 Comcast technology grant that was just approved by the State and questioned whether there was any kind of time limit on spending that money once it is received. **Solicitor Fiore** explained there is no time limit but we do need to account for how the money is spent, as it must be used only for technology. He recommended Council adopt a resolution earmarking the money for whatever specific technology they decide on, as a report must be submitted to the State on what the money was spent on.

**Cncl. Daniel Teefy** reported the Easter Egg hunt held Saturday, April 9<sup>th</sup> was run very well and was very well attended. Cncl. Teefy displayed his iPad and explained how it took him two minutes to set it up with the meeting information the Clerk had scanned and e-mailed to him. The Clerk noted it took her office all day to send the relatively small agenda matters, as the township computer system did not have enough memory to send all the information and once it was sent, Cncl. Teefy did not have enough memory to open it. Cncl. Teefy explained the township computers are restricted to sending 10 megabits out in e-mails and Comcast would not let him bring in something that large. Once the material was separated into two e-mails, it was very easy to work with. The Clerk noted the township system has now been upgraded to 20 megabits. Cncl. Teefy questioned how long it took to scan the information. The Clerk noted scanning the documents went quickly but trying to e-mail it is what took all the time. She questioned whether Cncl. Teefy liked receiving the entire agenda as one document or individually. Cncl. Teefy indicated he liked it individually because that was easier to reference and search by key words. He also suggested sending all the meeting documents separately from the weekly packets and noted he is looking at ways of zipping the information. **Cncl. Bryson** questioned whether a photo stick can be utilized to get information into an iPad. Cncl. Teefy felt that it probably could but he had not tried that. Cncl. Bryson noted a two gig drive is approximately \$9.00 and if Council decides to use an iPad or a PC the clerk could scan the documents and save to a card instead of e-mailing the information. The clerk noted her office could also keep the iPads and load the information onto them for Council. **Cncl. Sebastian** questioned what the Clerk was scanning, as all the documents are done on the office computers. The Clerk explained not all documents are on the computer, as not everything is e-mailed to the office and it is easier to scan the entire meeting packet once it is all put together. She explained a paper packet is made because the law requires her to keep an original (*paper*) of resolutions, ordinances etc. in her office. Cncl. Bryson questioned whether the Clerk is controlling the distribution of the copy paper. She explained she keeps a count of the copy paper and has requested offices to call her when they need a box but there have been instances when a department has taken ten or fifteen cases without notifying her.

**Solicitor Fiore** reported within the last week Council received a copy of the Amberleigh subdivision complaint that was filed against Bondguard, Bowman, DeLuca and

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**I.) REPORTS**

Ryan. He noted as to be expected he received a reaction from the bonding company and Bill Bowman who is pleading to finish the project. Mr. Fiore noted the bonding company wants to move forward, which is fine but he explained to them the township would now do everything through a consent order from the court. If they choose to have Bowman finish the basin work that would be fine but they will be the guarantor and it would be entirely up to them to subcontract with Bill Bowman. **Dave Cella** noted he had a submission from Bowman for the basin and he questioned whether he was not to review that unless it was requested by the bonding company. Mr. Fiore indicated nothing should be done until the bonding company authorizes them to be reviewed because there is no escrow in place to cover the cost of the review fees.

**Cncl. William Sebastian** requested a Closed Session be scheduled for the April 26<sup>th</sup> Council Meeting to address the Blaze Mill issue.

**J.) ADJOURNMENT**

With nothing further for discussion, **Cncl. William Sebastian** made a motion to adjourn the Council Work Session of April 12, 2011. The motion was seconded by **Cncl. Ronald Garbowski** and was unanimously approved by all members of Council in attendance. At this time a request was made to reopen the Public Portion due to a resident being in attendance that wanted to address Council.

**K.) MEETING REOPENED**

**Cncl. Ronald Garbowski** made a motion to reopen the Public Portion of the April 12, 2011 Work Session Meeting. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

**Clorinda Scarfo** and **Myriam Correa** approached Council to address their concerns regarding Bracken Drive in the Carriage Glen development being very dark. Ms. Scarfo noted there is a light on Malaga Road but the area around the second entrance of Carriage Glen is dark and vehicles are hitting the curb when turning into the development. She noted even if all the homes leave their outside lights on it is still dark because a portion of the street is open space/pine barrens. The Township Clerk explained to request a street light a formal request must be made to the Mayor and copied to Council. That request is then sent to the Police Traffic Department, who will perform a survey of the area and make a recommendation as to whether a light is needed. **Mayor Gabbianelli** noted Carriage Glen is an undedicated development and the Township Engineer can review the area and if he feels lights are needed he can go back to the developer and have him install additional street lights. The Mayor noted the engineer will drive past the area on his way home and by next Thursday he will have an answer for Ms. Scarfo.

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**K.) MEETING REOPENED (cont'd)**


**Cncl. Caligiuri** questioned how the ponding issue was on Malaga Road. Ms. Scarfo replied it is bad. **Cncl. Caligiuri** referred that issue to Mr. Cella, who advised Malaga is a County Road. He added the problem could be that inlets still need to be installed. **Cncl. Caligiuri** noted Jimmie A. had recommended that but that recommendation was ignored. Mr. Cella noted the County may have superseded on that.

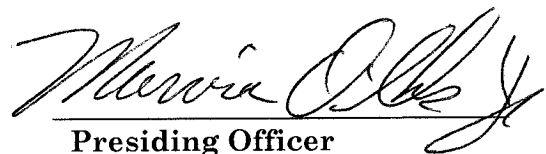
With no one else wishing to speak **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council in attendance.

**L.) ADJOURNMENT**

**Cncl. Walter Bryson** made a motion to adjourn the Work Session Meeting of April 12, 2011. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance. The Council Work Session of April 12, 2011 was adjourned at 7:45PM.

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 12, 2011 and serves only as a synopsis of the proceedings. Portions of the official tape may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.*

Approved as submitted Am Date 4/26/11  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_