

**MINUTES
WORK SESSION MEETING
TOWNSHIP OF MONROE
JULY 26, 2011**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Marvin G. Dilks, Jr.** 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. **Walter Bryson** 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		Excused
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:20PM)
Cncl. Pres., Marvin G. Dilks, Jr.	Present	
Mayor, Michael Gabbianelli	Present	(Arrived 7:20PM)
Business Admin., Kevin Heydel		Excused
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Community Affairs, Sandy Dilks		Excused
Twp Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

• **Application for Survey – Gypsy Moth Infestation**

Cncl. Pres., Marvin Dilks referred to a correspondence dated July 13, 2011 from the New Jersey Department of Agriculture requesting authorization to conduct gypsy moth egg mass surveys within our municipality at no charge. Council members were polled and all those in attendance were in favor of authorizing such a survey.

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B.) MATTERS FOR DISCUSSION (cont'd)

• **Stockton Run – Stormwater Basin**

Solicitor, Charles Fiore indicated that Tim Kernan, Conflict Engineer on the Stockton Run project was present to address any questions. The Solicitor noted that Stockton Run is currently under maintenance bonds for Phase I and Phase II. As a condition of their approval, prior to the release of the maintenance bonds the engineer must perform a site inspection and advise if the site improvements are satisfactory. Pursuant to the original approval, they are to establish a ten (10) year guarantee for inspection and maintenance programs for the basin areas. In lieu of this guarantee, one of the alternatives the developer is looking at would require acceptance of a monetary contribution for the future maintenance of the storm water basin in an amount to be determined. Mr. Kernan developed a dollar figure (*referred to in letter dated May 18, 2011*) based upon a formula that was established at the Planning Board level. The proposed lump sum, in lieu of the developer posting a guarantee would be a \$200,000.00 payment to the township deposited and placed into a fund earmarked for perpetual maintenance. In response to this proposal, K. Hovnanian sent a counter-proposal in a letter dated July 11, 2011 offering the sum of \$3,427.00 over a ten (10) year period that amounts to a total of \$34,270.00. This represents a substantial difference between that of our professional engineer's recommendation of \$200,000.00. Mr. Fiore then referred to the "*Stormwater Management Maintenance Plan*" in particular the Maintenance Task Summary Table explaining certain aspects of the plan and the annual maintenance cost estimate and the inspections to be performed. Mr. Fiore added that in Pinelands areas there is a special/additional 10-year requirement for storm water. It was noted there was quite a big monetary difference between what our conflict engineer (*Kernan*) proposed and what K Hov presented in their letter. **Cncl. Frank Caligiuri** then noted that Stockton Run is a K Hov development with a basin that was inspected by Timothy Kernan much like Chestnut Green was a K Hov development that was inspected and approved by Tim Kernan. He then questioned if council members thought it was wise to do this again. **Solicitor Charles Fiore** suggested if the conversation was going in a certain direction, as there is current litigation involving Mr. Kernan's firm then he felt we may be treading in dangerous water and if council was not comfortable (*on some level*) with Mr. Kernan's recommendation he suggested the conversation stop and perhaps a conflict engineer be appointed. Mr. Fiore then spoke on the bonding in place indicating they are about to be released and the township would then need the opinion of either Mr. Kernan or a conflict engineer that there is some issue with the basin. The MLUL is clear that a municipality be very specific with respect to a release of a performance/maintenance guarantee. The solicitor indicated if there exists an issue with Mr. Kernan doing these inspections/reports based upon prior litigation he felt the discussion should stop at this point. **Cncl. Caligiuri** noted not based upon prior litigation, just based upon a four (4) year history of failure at another K Hov location involving the same two firms. **The Solicitor** then recommended to the council president that this matter be tabled and discuss if it is prudent to get someone else involved. Mr. Fiore then again explained how Mr. Kernan came up with the \$200,000.00 figure. He noted how it was based upon a formula (*contained within the land management ordinance*) the Planning Board put in place after painstakingly going through a review to come up with a process.

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B.) MATTERS FOR DISCUSSION (cont'd)

There was further discussion on the costs associated with the up keep/maintenance of the basins. **Cncl. Frank Caligiuri** noted that it is going to be a matter of paying engineering costs now particularly for the review of the basin and he had no preference on who would conduct the inspection. He added that presently there are two people involved where a situation fell apart over a period of four years. He was not going to pick another engineer, however he felt Ray Jordan, Planning Board Engineer, may be a sensible choice. **Cncl. William Sebastian** then questioned if this matter was time sensitive. The solicitor indicated there has not been a formal request to release the maintenance bonds however the wording contained within the bond is a bit unusual as it states it could expire automatically if action is not taken.

This matter was carried forward for discussion at a Closed Executive Session to be scheduled for **Wednesday, August 3, 2011 at 6:30PM**. The purpose of the closed session will be for discussion on a conflict engineer as well as bonding issues.

Cncl. Pres., Marvin Dilks reported **Cncl. Caligiuri, Business Adm., Kevin Heydel** as well as himself met with representatives from Cecil Fire Company to discuss some issues on the building structure. At that time, they were presented with a request for a new rescue truck. **Cncl. Pres., Dilks** advised them to get some quotes together and council would review the specifications, etc. **Cncl. William Sebastian** thought there should be some discussion on the need for where the rescue truck should be located. It was noted that the public safety committee (*Sebastian, DiLucia, Bryson*) will meet to go over the request and the paperwork submitted.

- **CY 2011 Property Tax Bills – Statement of State Aid**

Director of Finance, Jeff Coles advised tax bills would be delayed this year due to the governor appropriating more monies to the municipalities. This caused a delay in the school districts having to re-apply to the state which held up all the tax bills. It looks like tax bills will be going out with the due date being somewhere around September 1st. That poses a problem with cash flow as the amount of money the township will need to tide us over for the month of July and August is about \$4.5 million.

Resolution R:134-2011 (Resolution Of The Township Council Of The Township Of Monroe, In The County Of Gloucester, New Jersey Authorizing The Issuance And Sale Of Tax Anticipation Notes Of The Township Of Monroe In The Principal Amount Of Not To Exceed \$4,500,000; Making Certain Covenants To Effect And Maintain The Exemption Of Interest On Said Notes From Federal Income Taxation; And Authorizing Such Further Actions And Making Such Determinations As May Be Necessary Or Appropriate To Effectuate The Issuance And Sale Of The Notes) scheduled on the regular council meeting agenda will give the CFO approval to go out and borrow the funds that are needed to tide us over until the cash starts flowing from collection on the tax bills. **Mr. Coles** further explained that Parker, McCay (*bond counsel*) has already secured a few bids, one at 1.5% and the other at 1%. He added that 1% is a good price for the money. **Mr. Coles** further elaborated that it was the money the schools received that held up everyone's tax bill from

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B.) MATTERS FOR DISCUSSION (cont'd)

being certified by the state and sent to the tax assessor offices. In normal years the tax certification would be done in different groups, this year everyone is being approved at the same time. Now, there is a rush in Gloucester County for Microsystems to run all the information, they then get sent to the computer software personnel and they are loaded and dialed into each system before the tax bills can be printed. Mr. Coles indicated that hopefully our tax bills would be out by the end of next week, sometime around August 5th with taxes being due 25 days after that.

C.) PUBLIC PORTION

Cncl. William Sebastian 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.

Brian McBride, 101 Concord Drive approached council members to extend a "thank you" for all their work and efforts with respect to extension of water lines in the area of Concord Drive, Constitution Way and Malaga Road. Mr. McBride indicated he spoke with the MMUA and he had a concern with the permit fees of \$2,600.00, noting this was somewhat steep. Mr. Cossabone, Superintendent for MMUA, advised him upon approval of the ordinance (*scheduled for 2nd reading at the regular council meeting*) the process will go into effect. This means he will have to pay that permit fee however; he was advised of a low interest loan offered by the MMUA but at a 12% interest rate that he (Mr. McBride) did not feel was low interest. He posed a question on exactly where the cost for the permit goes, just exactly what is the MMUA doing with this money? There are approximately 25 people affected who must pay this fee totaling somewhere around \$65,000.00. Mr. McBride noted that many families who are effected by this have no clue this ordinance is scheduled for approval. He felt perhaps council could work in conjunction with the MMUA and if this is to be low interest, make it a low interest loan. **Cncl. Caligiuri** spoke on the loan indicating that council really had no jurisdiction on this. He suggested that perhaps Jerry Moore, Executive Director of the MMUA might be able to give greater detail on this. **Cncl. Walter Bryson** explained the low interest loan is coming through the NJ Department of Community Affairs and that loan is for any amount under \$5,000.00 and anyone can apply for it. He stressed that the \$2,600.00 fee is greatly reduced because those residents who do not live in the spill fund area or those who do not need the water the fee alone is \$3,600.00 plus the cost of a hook-up fee which is an additional \$3,000.00. Cncl. Bryson then spoke of the area included within the spill fund. He also spoke on the misnomer involving the wells, stressing that you must close your well (*in the spill area*). Mr. McBride noted he did not doubt any of the information but in three to four months there will be a \$2,600.00 burden as well as the fact your well is going to be closed and if you fail to do so, you run the risk of having your water turned off. He noted he is 100% for this, in fact, he wished it would have been done several ago as he paid close to \$7,000.00 to have a well dug. He indicated you have no choice in this and the only advertising was in the paper and there was no formal notice to the residents affected. He spoke of water being a right and how it affects your life if you do not have it or if it is contaminated, adding that he felt this was coercion.

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C.) PUBLIC PORTION (cont'd)

Cncl. Bryson spoke of the loan being a good deal and he would encourage everyone, who can, to take advantage of it.

Jim McAloon - 769 Sherwood Drive (Chestnut Green) approached council members with some follow-up questions on his grading and drainage issues. He indicated it had been two weeks since his last correspondence with Tim Kernan on this (*grading and drainage issues*) and he was questioning if anyone had some type of response. He advised that documentation from Gloucester County was received dismissing the township in a case regarding correcting drainage issues on his property (*McAloon v. Township of Monroe and J. Timothy Kernan, Inc.*). Mr. McAloon noted this matter has been on-going for many years and he is just trying to get some type of resolution to the problem. The Mayor indicated that there would be a resolution on this forthcoming.

With no one else wishing to address council members **Cncl. Frank Caligiuri** made a motion to close the Public Portion. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council in attendance.

D.) NEW BUSINESS - None

E.) OLD BUSINESS - None

F.) COMMITTEE REPORTS

Cncl. Daniel Teefy reported on the costs associated with the purchase of iPads for council members. He indicated it would be approximately \$5,000.00 and that he would be in contact with Mr. Coles on getting the Purchase Order processed. He noted that Apple is ready to go with the acquisition and hopefully by the end of September this purchase will be completed. **Cncl. Teefy** also noted that Apple would provide some type of workshop for instructional purposes.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 7/26/11

Cncl. Frank Caligiuri posed a question with regard to Resolution R:130-2011 Resolution Canceling Grant Receivable And Appropriation "2006 CDBG - Curbs And Sidewalks". The Mayor explained that the township received a grant through the CDBG to continue the sidewalks along Main Street but what happened was the grant got cut.

Cncl. Caligiuri then questioned Mr. Coles on the interest rate associated with R:134-2011. Mr. Coles explained it was 1% annualized over the 47 day time period.

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H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

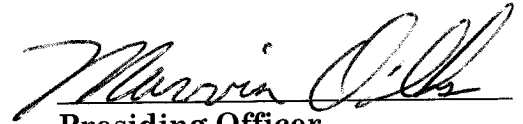
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Frank Caligiuri** made a motion to adjourn the Council Work Session of July 26, 2011. The motion was seconded by **Cncl. William Sebastian** and was unanimously approved by all members of Council in attendance.

Respectfully submitted,



**Susan McCormick, RMC
Municipal Clerk**



Presiding Officer

These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of July 26, 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 Amj Date 8/23/11
Approved as corrected _____ Date _____