

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
JUNE 26, 2012**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council Vice-President, Daniel P. Teefy** 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. Rich DiLucia** led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	
Cncl. Pres., Frank J. Caligiuri		Excused
Mayor, Michael Gabbianelli		Excused
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Eng., Dave Cella, ARH	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:30PM)
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

Cncl. Vice-President, Daniel Teefy referenced the use of ASUS tablets by council members. He noted the tablets have been distributed to each member with training being conducted by Joe Varalli, Management Information Systems Coordinator. Cncl. Teefy offered a few tips on navigating the system and will set up some time to assist other members if needed. He then referenced an article that appeared in the Gloucester County Times on Sunday where Senator Sweeney is introducing a bill (S1451) on texting while in meetings. He advised he sent an email to Sweeney advising him what the

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B.) MATTERS FOR DISCUSSION (cont'd)

township is implementing in an effort to save \$\$ with the tablets (*paper, toner, man hours, etc.*).

• **Resolution in Support of S302 "Transparency in Government Act"**

Cncl. Vice-President, Daniel Teefy requested council's feelings on the content of this bill and if there were any thoughts as far as drafting a resolution in support of this bill. Discussion took place on various items included in the bill such as what entities would be included (*local, state, etc.*). There was a request for more time to review the full text of the bill. It was the consensus of council members to schedule this matter for discussion at the July 11, 2012 Ordinance Committee Meeting at which time a determination would be made if the resolution would be moved forward for approval at the July 24, 2012 regular council meeting.

• **Red Light Cameras**

Cncl. Vice-President, Daniel Teefy spoke of the reports that surfaced regarding the certification of the red light cameras installed in municipalities throughout New Jersey. **Business Administrator, Kevin Heydel** explained that we cannot issue any further violations until a certification by our engineer has been completed. Everything in the pipeline is sitting there and the cameras are still collecting data, everything is dependent upon what transpires when we go for the certification. **Cncl. William Sebastian** referred to an article in the newspaper where it said once it is found that the camera is working properly it is retroactive, meaning people who had violations in that certain period of time will receive tickets. Those violations will be issued once they check the data, the timeframe involved with the red and yellow lights is correct, and it is certified. **Cncl. Walter Bryson** noted that we must use our township engineer to certify the timing of the traffic light. He questioned if the light is calibrated before it is installed. **Business Administrator, Kevin Heydel** explained the calibration of the traffic light is performed per federal traffic signal criteria, with the criteria being one second for every ten (10) miles per hour. Throughout the state, when they passed this program there was a calculation along with certain criteria (*which we were not aware of at the time*). We were only made aware of this criteria, which was confirmed, when all this information became available. With new criteria being required we have to test the signal and this testing was done by our township engineer over the weekend. In addition, our traffic bureau had to conduct a survey where they polled cars at certain speed limits to determine how fast they were going. When this information was compiled there was a calculation to be done on the figures and whether or not we stay in the program is dependent upon the outcome of the calculation.

Captain Howard Weimer, MTPD then explained the yellow timing is correct for the speed limit set for state roadways; the concern at this point involves another part of the legislation with regard to the red light camera system. This legislation states you must check the vehicle speeds on that roadway and make sure that the 85th percentile speed (*which is normally what you base speed limits on*) is in correlation with the yellow signal timing. He explained, what this meant was basically polling a certain number of cars then

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B.) MATTERS FOR DISCUSSION (cont'd)

you figure what the 85th percentile is. Everything is then put into numeric order and whatever the 85th car is this is your 85th percentile speed, and as long as we fall within the ranges of the speed limit at that location, we are good. Captain Weimer advised this is being worked on as the traffic bureau was at that location on Friday afternoon. He noted he pulled some preliminary data and everything looks good although he has not seen the completed product project. Upon receipt of the final findings, this information will be submitted to both the Business Administrator and the Township Engineer.

Cncl. Rich DiLucia indicated that it appears to him there has been so much clamoring over this and political pressure it seems they found a way to convolute what was happening. Initially, when this entire red light camera system was introduced this council posed many questions on the timing between the yellow light and the red light and if we were, in fact, in compliance. Council was advised we were in compliance because there was a standard. **Cncl. DiLucia** then said as he understands it now, depending on the roadway you must do a calculation, take the 85th percentile, then allow one second for each 10 mph, which may mean, based on the standard that we thought was in place that certain municipalities will not be in compliance. He then spoke of violations written, the concerns of the people who were issued violations, etc.

Many questions were posed and much discussion took place with the solicitor questioning what percentage of the violations issued are based upon the right hand turn versus running the light. Captain Weimer responded, that from what he has reviewed, the majority of our violations are right turn on red. This is due to the fact the people roll through and don't expect the traffic to be there. The violations written for running the traffic light are for the most part at 65mph-70mph.

Engineer, Dave Cella noted that Mr. Rehmann conducted the signal testing and from what he understood he had a stop watch and timed the yellow lights. Mr. Cella was pretty sure that he (*Mr. Rehmann*) came up with five (5) seconds, adding this test had to be repeated at least thirty (30) times.

Cncl. Walter Bryson questioned if we had to throw away the right turn violations if it is found to be that we are not in compliance. **Captain Weimer** was unsure of what the state will do, we have had citizens ask this same question and until the state comes down with a ruling, our comment should be it is in the hands of the state. **Cncl. Vice-President, Daniel Teefy** commented that he felt there may be some individuals who have been issued violations in attendance at this meeting requesting information on if they were entitled to a refund. He felt this entire issue will be in the state's hands and they will come down with a ruling. **Business Administrator, Kevin Heydel** noted that 74% of all the red light traffic cameras are affected. When you are looking at a percentage this high, somewhere this is a disconnect. What is being lost here is the fact that the law is being broken. **Cncl. Teefy** felt one main point is that this was done for public safety to improve the intersection. **Captain Weimer** explained he looked at the initial data sent to council members, explaining that in the year prior to the red light cameras (*May 2010 – May 2011*) there were twenty-two (22) crashes at that intersection. From May 2011 to present date it actually went up and he felt

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B.) MATTERS FOR DISCUSSION (cont'd)

in reviewing the figures something just did not seem right. He continued to speak on the nature of the accidents at this intersection (*Black Horse Pike & Sicklerville Road*) and information with respect to injury and fatality data will be forthcoming from Captain Weimer.

Cncl. Rich DiLucia referred to a column that appeared in the Courier Post basically saying that the politicians, both in townships and statewide, have instituted the red light camera program to drive up revenue. He strongly suggested that we crunch some numbers and come up with a real picture of what has happened with greater detail as he felt it may become a sensitive issue going forward and we should not be caught in a situation where we are saying something that we cannot support statistically. Mr. Heydel spoke of the safety factor and if you figure on all the people who have received tickets and paid the fine, their driving habits may change. In hopes they may be driving differently and not just at that intersection, there may be a residual effect on public safety which comes from the red light camera program in that they are driving differently at other intersections as well.

Cncl. William Sebastian noted that Captain Weimer may want to contact the county EMS dispatch as they may be able to supply information as far as the severity of the accidents at that particular intersection and they should be able to go back over a number of years. Mr. Tom Butts at the Department of Emergency Response will be contacted for such information.

C.) PUBLIC PORTION

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

D.) NEW BUSINESS

Cncl. Walter Bryson reported on his attendance at the "shovel in the ground" ceremony for the Grand Theatre. Also in attendance was Assemblyman Paul Moriarty who felt this venue could be a true asset to our community. Cncl. Bryson then suggested that our redevelopment committee look into some type of Main Street development. **Cncl. Ronald Garbowski, Liaison to the Economic Development Committee** reported that the committee is in the process of gathering information on this. Mike Kretschmer, Chairperson of the EDC is also on the Board of Trustees for the Grand Theatre and this is a top priority for many people in town. **Cncl. Vice-President, Teefy** felt the white elephant in this is the old library site, and questioned exactly what are we going to do with this building. A brief discussion took place on what the location could be utilized for and the approximate cost associated to clean out that building. **Cncl. Rich DiLucia** spoke with regard to the township being involved with re-habbing homes for the purpose of COAH.

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D. NEW BUSINESS (cont'd)

Many of the homes along Main Street are now essentially boarding houses perhaps we should focus our efforts as it relates to COAH and start buying up such houses and cleaning up the residential aspect, the way it is now it is not conducive for business. He stressed the residential component must be cleaned up before businesses will get involved. **Cncl. William Sebastian** noted discussion has taken place on a problem dealing with the fact that more of the businesses converted to residential and what used to be store-fronts are now apartments. **Cncl. Ronald Garbowski** indicated he would like to see if any kind of redevelopment plan for Main Street was ever completed. He heard some preliminary investigations were done at one time, however he would like to see the Economic Development Committee expend some funds to come up with a "master plan" for Main Street. It was noted that Triad had put together a plan some time ago and a rendition of Main Street was developed.

E.) OLD BUSINESS

Cncl. Ronald Garbowski questioned the engineer on the status of the end treatment along Constitution Way in the area of the new Walmart referring to a punch list item indicating this should be concrete block (*grass pavers-concrete*). Engineer, Dave Cella noted that is what they thought it would be however he will follow up on this with the engineer from Walmart and report back. **Cncl. Garbowksi** spoke of all the dead plants ripped out and questioned when they will be replaced. Mr. Cella in response to the landscaping concerns indicated his understanding was the original landscaper went out of business, another landscaper has been brought on board but he did not wish to install any plantings at this time, as it is not the optimal season for plantings of this nature. They are prepared to install them at the right time. **Cncl. Garbowski** also noted he has been receiving quite a few questions on when the speed humps will be installed. **Engineer, Dave Cella** noted his understanding was they (*Walmart*) are supposed to be giving a contribution to the township, so they (*township*) can do the installation. There were questions posed with regard to the water project along Concord Drive and to do the installation of speed humps properly the water main project should be complete before the installation of the speed humps. **Mike Calvello, Road Supervisor** Department of Public Works advised that he felt they would be waiting on the water line to be run because they were going to saw cut and trench that street. **Cncl. Walter Bryson** advised the water main project is supposed to start tomorrow (*June 27th*) however there was a change in the original plans and now those water mains will start at the end of Concord Drive and go all the way up through Concord Drive and on to Constitution Way up to the Black Horse Pike. He then questioned when the speed humps are put in will Concord Drive get repaved or at least receive another top coat. There was continued discussion on the installation of the tie-ins for the water main and that it will take approximately 120 days to complete the installation. **Cncl. Walter Bryson** then elaborated on the number of homes (*within spill fund area*) that will be tied-in to water adding there are fifteen (15) homeowners who are not included in this, including his home. These homeowners are now left to fend for themselves as far as when they want to connect to the water line. The people that have already been approved by the spill fund are getting their connection made including all of

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E.) OLD BUSINESS (cont'd)

the permits for a cost of \$2,400.00. Those individuals not included within the spill fund designation will incur a cost of approximately \$9,200.00 to tie-in. Cncl. Bryson noted he still has a real concern on this, there is nothing that can be done at this point in time. He felt if the township is going to install the speed humps, that it be done properly and the speed humps be installed after all the work is complete. He questioned the solicitor regarding the ordinance in effect regarding mandatory tie-ins, contamination issues and the time period associated with the street opening (*upon completion*).

Solicitor Fiore voiced his concern with regard to the installation of speed humps. He urged council members when the time comes to amend/include this in our ordinance we must make sure the speed humps/bumps are certified by our municipal engineer. If they are not certified by the engineer and an accident occurs the we (*township*) are not insulated by Title 59 (*Tort Claims Act*). Mr. Fiore went on to explain if the design is certified by our engineer, and an accident were to occur and someone claims it was caused by the speed humps we are protected. If the design is not certified by our municipal engineer then there is a substantial liability issue. **Engineer, Dave Cella** noted they have been given a plan which shows there are speed humps however there was no plan indicating where they are to be placed. This could be due to their (*Walmart*) engineer not being able to certify the plan; this must be done by the municipal engineer. Discussion took place involving the standards that must be in place for installation of speed humps.

Cncl. Rich DiLucia noted that council had much discussion on speed humps/bumps and we gave all the reasons as to why we could not install them. He then noted that council authorized our engineer to look into the portable apparatus (*six months ago*) and he strongly suggested that we get some type of report back on this. He felt there was a lot of people within the township that are just waiting to find out what the status of speed humps are. If they are placed in this development (*Williamsburg Village*) we are going to have a problem. People will be saying that they were advised, by council members, that you cannot have speed humps. Cncl. DiLucia went on to say he had no problem with putting them in, he did however have a concern with consistency.

Cncl. William Sebastian explained the approval for Walmart went through the Planning Board. Walmart has an approved plan that involves their site and only their site. The Planning Board cannot dictate off-site improvement, the monies were donated by Walmart for speed humps. In the course of the public hearings, the public came forward and said there will be an increase in traffic and questioned what Walmart was going to do to alleviate this. Walmart said we will make a donation to the general fund for speed humps, this satisfied the public to move on with getting Walmart underway. Nowhere does it say where the speed humps are going because the Planning Board cannot dictate where they would be located on the street. In order for us to install these speed humps, it will have to come through the municipality from administration to determine where these speed humps are to be placed. **Cncl. Sebastian** then spoke on the concrete block that was to be installed at Constitution Way/Malaga Road and he thought it was included on the approved plan listed as concrete. Mr. Cella explained that was not the case, the concrete block was included on the estimate submitted by ARH. The approved plan does have concrete listed;

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E. OLD BUSINESS (cont'd)

however included is a paver detail that has a honeycomb structure. Again, Cncl. Sebastian indicated this was something Walmart was donating because it is off-site. He noted the planning board by law can only dictate what is in the envelope of the application, they cannot go off-site and they cannot make these things mandatory, it can only be a voluntary donation made by the applicant.

Mike Calvello, Road Supervisor advised the DEP, who is funding the water main project along Concord Drive, are only paying for a two (2) foot trench restoration. They put no money aside for restoration/re-surfacing of the entire street. The DEP is sticking to this two (2) foot trench, which will make it quite difficult for the contractor. They will repave the trench they are disturbing and the four (4) squares where they actually do the tap into the water main. They still have not decided what side of the street they will be working on.

Solicitor, Charles Fiore spoke of the council work session of May 22, 2012 where there was a discussion, under old business, regarding the Chestnut Green bond. He advised he met two weeks ago with the attorney and a vice-president from K Hov and they are going to come up with a proposal to give the township money to complete outstanding items. Mr. Fiore then noted many of the items included on the punch list really are not performance bond items, they are maintenance issues but they (*K Hov*) are willing to come up with a sum of money to present to the township in lieu of releasing their bonds. He will supply the information to council as soon as he receives it.

F.) COMMITTEE REPORTS - None

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Cncl. William Sebastian referred to R:130-2012 Resolution Of The Township Council Of The Township Of Monroe Awarding Bid To M.D. Remodeling LLC For Partial Roof Re-coating For The Cecil Firehouse Within The Township Of Monroe. He indicated he did not have a problem with this at all, however; he questioned when the roof was to be installed on the Municipal Building. **Business Administrator, Kevin Heydel** advised right now we put out for the design and construction phase which is being funded through the bond that was previously approved (*Ordinance O:10-2010*). He advised there was an analysis and a cost estimate done and right now ARH is doing the design work and preparing the bid documents. **Cncl. Sebastian** then posed a question with regard to the \$90,000.00 figure that was allocated for a bucket truck. Mr. Heydel only responded that he was told this may not be approved. **Cncl. Sebastian** then noted we have been borrowing the bucket truck from Washington Township. **Cncl. Vice-President, Daniel Teefy** indicated that council was in favor of purchasing a bucket truck as it was approved through the budget process. **Cncl. Rich DiLucia** then questioned if there was any thought given to replacing/buying a township bus. Mr. Heydel explained he is looking into any possible grant money that may be available. The last bus was purchased through a grant in conjunction with the county. **Cncl. Sebastian** then referred back to the purchase of the

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G.) QUESTIONS (cont'd)

bucket truck and where the money earmarked for the truck would go if it is not purchased. Mr. Heydel went on to explain the process, questions were posed and discussion ensued. **Cncl. Sebastian** then noted the ambulance squad was one of the entities with an issue involving the bucket truck. He explained that we were fortunate to have the truck when the lightning hit the building. He stressed that the ambulance building falls under Homeland Security and must be secured via their requirements. The building must be locked, closed and inaccessible to unauthorized persons/entities. **Cncl. Sebastian** noted the key fob has been out for approximately two to three weeks, emergency lighting is not working because wires are hanging from the ceiling and it cannot be fixed due to not having a bucket truck available. He stressed the point, if there is a need for this equipment why not simply purchase it? The Solicitor explained even though council put together the spending plan and created the process to spend the money, the decision to make a purchase ultimately rests with the administration.

Cncl. Rich DiLucia noted we appropriated \$90,000.00 at 3½%, if we were not going to use the funding it should not have been asked for initially. **Cncl. Ronald Garbowksi** spoke of the many ways in which a bucket truck could be utilized, emphasizing that we need a bucket truck.

Cncl. Vice-President, Teefy questioned Resolution **R:131-2012** Resolution Of The Township Council Of The Township Of Monroe Authorizing The Execution Of A Traffic Signal Agreement Between The County Of Gloucester, The Township Of Monroe, And Cross Keys Monroe, LLC. **Business Administrator, Kevin Heydel** advised that the applicant made a \$1,000.00 donation to the township. He also reviewed the bills relating to the traffic signal at the Rt. 42 & Cross Keys Road intersection that was installed in 1968. The township accepted all the costs for this signal. He also reviewed the agreement with regard to the signal at the top of Main Street (*5 points*) we are the third party and the agreement stipulates the third party pays.

Solicitor, Charles Fiore spoke with regard to Resolution **R:132-2012** Resolution Releasing The Performance Guaranty Posted For "Stockton Run" Phase I, Subdivision #1502, Block 11301, Lots 12 & 23 And Substituting A Maintenance Guaranty In The Amount Of \$115,623.76. There was a request for release of their performance guarantee and placement of the maintenance guarantee. The conflict engineer, Ray Jordan from T&M reviewed this and as part of the original approval Stockton Run was to put in place two types of bonds, one was a long-term maintenance bond for a period of twenty (20) years and the second was a process in place for a ten (10) year inspection program. In lieu of doing this there was a recommendation from Mr. Jordan that the township release the performance guaranty and the developer be required to place these sums of money (*set forth in resolution*) into a separate account for the purpose of a twenty year maintenance program and a ten year inspection program. There continue to be outstanding issues one being the cutting/mowing of the basins. He noted this has been a project that has been lingering on for the last two years and proceeded to give some background information on the project. Mr. Fiore advised that council needs to take action tonight because under the MLUL the township engineer has forty-five (45) days from the date the request is made to

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G. QUESTIONS (cont'd)

either recommend release of the guaranty or recommend to keep it in place. Council then has forty-five (45) days from receipt of that recommendation to take action. That action is based on a recommendation from our township professional that we release based upon the fact the developer place these sums of money into a separate account to deal with the twenty (20) year maintenance and the ten (10) year inspection. In addition, there should be language on the record, and inserted into the resolution that K Hov be required before the release takes place to cut the basin and clean it up. The solicitor also indicated that Mr. Jordan is confident that the figures, as referenced in the resolution, are substantial enough to adequately protect the township with the \$138,856.00 for the twenty year maintenance and \$70,950.00 for the ten year inspection program.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 6/26/12 - None

Prior to the adjournment **Business Administrator, Kevin Heydel** advised council members that over the past year or so he has been questioned about awarding contracts to the township engineer. There were complaints about the fact that we are not going and seeking RFQ's and not awarding to other entities. He explained he has made a strong argument that ARH has been with us for some thirty years, our engineer is seasoned, he knows our town, he knows what we want, and he always acts in the best interest of our town. Adding that there are additional costs involved in preparing RFQ's, etc. Mr. Heydel wanted to advise council in the event a question may arise on the matter. **Solicitor Fiore** then explained the ordinance as it relates to the engineer. He indicated the proposals that have been submitted by ARH are a contract for the services performed under his duties as the township engineer pursuant to the township code.

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of June 26, 2012. The motion was seconded by **Cncl. Ronald Garbowski** 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 June 26, 2012 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 *sm* Date 7/24/12
Approved as corrected _____ Date _____