

MINUTES
SPECIAL COUNCIL MEETING
TOWNSHIP OF MONROE
DECEMBER 27, 2012

A.) OPENING CEREMONIES

CALL TO ORDER

The Special Council Meeting of the Township of Monroe was called to order at 7:00 PM by **Council President, Frank Caligiuri** in the Court Room 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, the Courier Post and the Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex.

SALUTE TO FLAG

Cncl. Ronald Garbowski led the assembly in the Pledge of Allegiance to our Flag.

ROLL CALL OF TOWNSHIP 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 Caligiuri	Present	
Mayor, Michael Gabbianelli	Present	
Solicitor, Charles Fiore	Present	
Business Administrator, Kevin Heydel	Present	
Dir. Code Enforcement, George Reitz	Present	
Dir. Public Safety, Jim Smart	Present	
Twp. Clerk, Susan McCormick	Present	

Cncl. Pres., Frank Caligiuri reported Mr. White, the Gloucester County Deputy Administrator attended the December 11th Work Session Meeting and made the statement "to improve communications between the County and Monroe Township". **Cncl. Pres., Caligiuri** noted on December 12th at 8:18 AM he sent an email to Mr. White asking him for an update on a communications tower and for some background information and he wanted it noted "for the record" that Mr. White did not respond to his email. (*Cncl. Pres., Caligiuri requested the Clerk to include his statement in the minutes and make sure that the Gloucester County Freeholders get a copy of those minutes*).

B.) RESOLUTIONS SCHEDULED - PUBLIC PORTION

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

R:204-2012 Resolution Authorizing Closed Executive Session Of The Township Council Of The Township Of Monroe To Discuss Active Litigation Matters (*Active Litigation Matter - Simmermon V. Monroe Township And Et. Al.*)

Cncl. Walter Bryson made a motion to approve Resolution R:204-2012. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

R:205-2012 Resolution Of The Township Council Of The Township Of Monroe Transferring Funds For The Budget Year 2012

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B.) RESOLUTIONS SCHEDULED - PUBLIC PORTION (cont'd)

Cncl. Ronal Garbowski made a motion to approve Resolution R:205-2012. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council in attendance.

R:206-2012 Resolution Authorizing The Issuance Of Duplicate Tax Sale Certificate Pursuant To Chapter 99 Of The Public Laws Of 1997

Cncl. William Sebastian made a motion to approve Resolution R:206-2012. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

R:207-2012 Resolution Of The Township Council Of The Township Of Monroe Releasing Performance Bond In The Amount Of \$243,901.00 For Our Lady Of Peace Parish For Site Plan # 456-SP, Block 11501, Lot 1 For Certain Onsite Improvements

Cncl. Ronal Garbowski made a motion to approve Resolution R:207-2012. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

R:208-2012 Resolution Approving The Bill List For The Council Meeting Of December 27, 2012
REMOVED FROM AGENDA

R:209-2012 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute A Memorandum Of Agreement By And Between The Township Of Monroe And Monroe Township Superior Officers Association

Cncl. Rich DiLucia made a motion to approve Resolution R:209-2012. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

R:210-2012 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Mayor To Execute A Memorandum of Agreement Between The Township Of Monroe And Chief Of Police, Joseph Smart

Cncl. Walter Bryson made a motion to approve Resolution R:210-2012. The motion was seconded by **Cncl. Ronald Garbowski** and approved by all members of Council in attendance with the exception of **Cncl. William Sebastian** who Abstained.

C.) ORDINANCES

Cncl. Pres., Frank Caligiuri turned this portion of the meeting over to **Ordinance Committee Chairman, Cncl. William Sebastian**. **Cncl. Ronald Garbowski** made a motion to open the Public Hearing for Ordinance O:32-2012. The motion was seconded by **Cncl. Pres., Frank Caligiuri** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Ronald Garbowski** made a motion to close the Public Hearing. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

O:32-2012 An Ordinance To Amend Chapter 4 Of The Code Of The Township Of Monroe, Entitled "Administrative Code" (Meeting Time & Date)

Second Reading: The above ordinance was published in an official publication for the Township of Monroe. This portion was opened to the public.

Cncl. Ronald Garbowski made a motion to approve Ordinance O:32-2012 for Second Reading and Public Hearing. The motion was seconded by **Cncl. Rich DiLucia**.

**ROLL CALL VOTE TO APPROVE ORDINANCE O:32-2012 FOR SECOND
READING AND PUBLIC HEARING - 6 AYES, 1 ABSENT (Dilks)**

Tally: 6 Ayes, 0 Nays, 0 Abstain, 1 Absent. Ordinance O:32-2012 was duly approved for Second Reading and Public Hearing.

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D.) CORRESPONDENCE

- 2013 Towers List

Solicitor Charles Fiore noted a recommendation was made at the last Council Meeting to establish the tower list for 2013. Mr. Fiore believed the appropriate individuals provided the additional information that was requested which will permit Council to vote on this issue again. The tower list is required to be struck by the first meeting in January; however, that is somewhat impractical because the 2013 list starts January 1st and a Council Meeting is not scheduled until January 8th. Mr. Fiore noted historically the tower list for the upcoming year has been approved at the last Council Meeting in December. The towers that qualified are A & A and A-Jacks.

Cncl. William Sebastian made a motion to approve the two towers as recommended. The Motion was seconded by Cncl. Rich DiLucia.

ROLL CALL VOTE TO APPROVE THE 2013 TOWER LIST
5 AYES, 1 NAY (Teefy), 1 ABSENT (Dilks)

Tally: 5 Ayes, 1 Nay, 0 Abstain, 1 Absent. The 2013 Tower List was duly approved as recommended.

E.) GENERAL PUBLIC DISCUSSION

Cncl. Ronald Garbowski made a motion to open the General Public Discussion. The motion was seconded by Cncl. William Sebastian and unanimously approved by all members of Council in attendance.

Tom Atack, Cecil Collision questioned whether the towing list has been finalized with just two towers. Cncl. Pres., Caligiuri noted that is correct, the list is final. Mr. Atack noted he could not understand how he could be off the list when his application was complete and fulfilled all the requirements. He noted towers were told the last time in that the township had no obligation to tell them if they were deficient but they could contact the officials to see if and where they were deficient. He noted he has been on the list for four years and each of those years he checked and was told he was ok. In previous years he gave his entire insurance policy but was told not to do that anymore because a person involved in litigation requested the applications and could copy his insurance policy. If he had not listened to that he would have been complete since he has garage keepers liability for fire, theft and explosion, which according to his insurance agent is standard boiler plant language for garage keepers. Mr. Atack noted he is in compliance with the ordinance yet he is being excluded from the list. He noted we talk about fairness and doing the right thing but is it fair to exclude someone from the list because they didn't mark an X on a piece of paper stating where the inside storage is. He spoke of how he and Mr. Stalba were brought before Council at the September 25th Work Session Meeting over issues with their junkyards and read the following from the minutes of that meeting "*Solicitor Fiore then noted that he did not want Council's decision to be influenced in any way, shape or form by the potential litigation that is going on. We have always exercised a policy of trying to be fair and consistent. Mr. Fiore explained the reason for his questions adding the gentleman is certainly trying, this is a document issue.*" Mr. Atack noted those comments were addressed to Mr. Stalba and he felt Council made the right decision, as it was just a document issue and he should not have been excluded. He spoke of how he is now being excluded because of a document issue. He noted he has the proper documents and is in compliance with the towing ordinance but was told by someone in the police department to just submit the declaration page, not the rest of the stuff. He felt that was because they didn't feel like going through it. Last year he was told he was not in compliance because he didn't mark an X on the door where cars are stored. When he questioned whether there was anything else he was told no, that everything else was good. This year his wife put an X on that door and the application was submitted. Mr. Atack noted he is a high school educated guy who works on cars and he has done everything he was supposed to do. He felt everything dealing with this is revolving around this lawsuit. He questioned whether a judge could look at this and say someone not marking an X rises to the level of the previous transgressions, because if that is what we have evolved to, God help us. He noted he has been in business in this town for twenty-seven years,

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E.) GENERAL PUBLIC DISCUSSION (cont'd)

pays \$18,000.00 a year in property taxes and always tries to do a good job. Nothing is ever discussed about who does a good job and now, there is a document issue dealing with a document that he can provide. Each year he has asked if he is in compliance and every year he has been told he is good. Last year Malia's and A-Jacks were good. At the last Council Meeting Joann Malia stood up and questioned why she was perfect last year and this year, with the same application, she is not. Mr. Attack noted this is unbelievable. Friends who were in this town a lot longer than him told him he would get screwed and he kept telling them that these gentlemen have our backs, they are good decent men and they will do the right thing. He noted if Council did something illegal to the person involved in litigation they need to pay, and if not, they need to stand up for the rest of the towers. He noted he has never pursued litigation in his entire life but he will seriously consider it after this if he is not on the tower list this year.

Dan Heller, B & H Auto, noted he wanted to take an opportunity to tell Council they just made a terrible mistake by having two towers on the list because there will come a time when more towers are needed, such as a couple of years ago when, during a snowstorm there were twenty accidents at the same time. At that time numerous towers were called to be on standby and now who will handle those calls. He noted comments were made that the other towers could come in an emergency but how can they if they are not in compliance now and why would they, as this is completely wrong. He added the ordinance states the applicant shall attach a diagram of the towers property showing the secure area but it says nothing about a label. He noted you know we have a garage and an outside storage area. This whole thing is a play on words, it never needed to be like this and it was never like this before when everyone helped each other out, which is the way this town used to be. It now seems the town is losing a lot of integrity and a lot of values. This is wrong and as far as he is concerned seven business people were just royally screwed. There was no reason why we couldn't have been notified that you were going by every single word in the ordinance and that we should get a lawyer to look over it. He noted we are just businessmen who have turned in the same things year after year. He questioned how the applications were good back then and who is being held accountable for approving them all those years when now, they are illegal and none of them are right. He noted he hopes someone takes this by the reins and fixes it because this ordinance stinks and needs to be repaired and he has faith that Council can do that.

Domenic Burgese, B & B, questioned where complaints about the ordinance will go and if it is true that at the first offense the tower is off for a week and on the second offense they are off for the year. **Solicitor Fiore** noted the penalties are under the ordinance and complaints must be in writing to the Director of Public Safety.

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

Cncl. Pres., Frank Caligiuri noted he wanted to make a brief comment to the towers who have served the community very well over the course of decades. He spoke of how Council worked hard on that ordinance over the course of two years and how he believed there are still some problems with it since 80% of the towers are being lost. The 80% are not far out of compliance, but unfortunately, the way the law is written and interpreted by our professionals is the way that we must interpret it. He noted there is not a member of Council here that wanted to do what they had to do here tonight; it was not an easy task. He noted everyone here has legal remedies and he would not blame anyone for exercising them but Council is required, by law, unfortunately, whether we agree with it or not, to uphold it. We have been counseled by our solicitor and other people that analyzed the submittals that we have two qualified towers and it is our responsibility to follow their direction. **Cncl. Pres., Caligiuri** noted he empathized with everyone here but this unfortunately is our responsibility.

Cncl. Ronald Garbowski made a motion to adjourn into Closed Executive Session. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

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CLOSED SESSION

Council returned from Closed Executive Session at 7:55 PM. Solicitor Fiore noted during Closed Executive Session discussion took place regarding pending litigation. Attorney Charles Austeruhl was present on behalf of the JIF to report on the present procedural status of the case. There was no action taken by the Governing Body.

Cncl. Pres., Caligiuri extended New Year wishes to everyone.

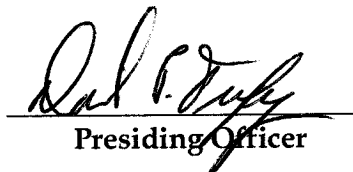
F.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Special Council Meeting of December 27, 2012. The motion was seconded by Cncl. Rich DiLucia and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk


Presiding Officer

These minutes were prepared from excerpts of the tape-recorded proceedings of the Special Council Meeting of December 27, 2012 and serve as only a synopsis of the proceedings. 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
Approved as corrected _____

Date 1/14/13
Date _____