

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
MARCH 11, 2013**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President, Daniel Teefy** at approximately **7:05 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. Ronald Garbowski led the Assembly in the Salute to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

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| Cncl. Walter Bryson | Present |
| Cncl. Frank Caligiuri | Present |
| Cncl. Marvin Dilks | Present |
| Cncl. Rich DiLucia | Present |
| Cncl. Ronald Garbowski | Present |
| Cncl. William Sebastian | Present |
| Cncl. Pres., Daniel Teefy | Present |
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| Mayor, Michael Gabbianelli | Present |
| Business Admin., Kevin Heydel | Present |
| Solicitor, Charles Fiore | Present |
| Engineer, Chris Rehmann | Present |
| Dir. of Finance, Jeff Coles | Present |
| Dir. of Public Safety, Jim Smart | Present |
| Dir. of Code Enforcement, George Reitz | Present (Arrived 7:15PM) |
| Dir. of Public Works, Bob Avis | Present |
| Municipal Clerk, Susan McCormick | Present |

B.) MATTERS FOR DISCUSSION

- **Landscape Buffer – 10 Chinkapin Court – Block 37.0102, Lot 8**

Cncl. Pres., Daniel Teefy noted this matter concerned a request for placement of a privacy fence at the above referenced location adding that there is a 25' landscape buffer located at the rear of the property. **Cncl. Pres., Teefy** explained this parcel abuts the property owned by Mrs. Muth, who requested placement of a fence by the developer back sometime in 2003 or so, this was never installed. William Ganzel, the resident requesting permission for placement of a fence, approached council members explaining that Mrs. Muth was worried about all the properties surrounding her when the fence was denied by

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B.) MATTERS FOR DISCUSSION (cont'd)

the developer however in place of that a 25' landscape buffer was installed. Mr. Ganzel stressed that he intended to keep the buffer in place but in addition, he was requesting to put a fence right at the rear of his property. He explained his plans were to install a white vinyl fence along the sides but in back of the property he would like to place fencing that would blend into the surrounding area such as: green chain link or black iron fencing. Mr. Ganzel noted that he felt the installation of fencing would make Mrs. Muth happy, it will make us happy, the landscape buffer stays intact and Mrs. Muth would get her second wish of getting a fence at the location.

Engineer, Chris Rehmann then presented the sub-division plan with the parcel in question highlighted as well as an aerial shot of the area. He explained exactly where Mrs. Muth's home is located and from what he could discern from the Planning Board approvals, the landscape buffer was included but there was talk during construction there was incursion onto her property and she, at that time, was demanding the developer put up a fence (*no fence was installed*). Mr. Rehmann noted if the landscape buffer is kept he did not see any way you are compromising the approval of the planning board and from an engineering and planning standpoint he did not see a problem. **Cncl. William Sebastian** questioned if this was just a landscape buffer that no other easements or anything else was required. Mr. Rehmann pointed out to council members the only easement in the area, which is away from the property being discussed. **Cncl. Sebastian** then noted that normally a landscape buffer is not required between two residential properties. It was noted that the placement of the fence would be along the common boundary between the Muth and Ganzel properties. **Solicitor Fiore** recommended that when Mr. Ganzel applies for his zoning permit that specific language be included with respect to him (*Mr. Ganzel*) "***maintaining the 25' buffer***". Mr. Fiore explained this matter requires no formal resolution or council action, Mr. Ganzel was before council out of courtesy.

Cncl. Ronald Garbowski made a motion to approve placement of the fence in the buffer area and that the owner (*Ganzel*) is to maintain the buffer, with this condition being placed in and made part of the zoning permit. The motion was seconded by **Cncl. William Sebastian** and unanimously approved by all members of Council

- **Tax Refund Request – 210 Oak Street – Block 11902, Lot 15**

Solicitor, Charles Fiore explained he had researched the matter and looked back at the last two (2) properties we acted upon in the recent past. He noted one property was located on Oak Street where we refunded taxes in the amount of \$8,090.88 from 2011 back to 2008 (*Resolution R:112-2012*). The solicitor stressed it was important to note that the dollar figure referred to above was done as a result of a tax appeal. The tax appeal was filed, the county picked up the error in not flagging it as a COAH property and we (*township*) went back retroactively more than two years, which is the statutory requirement. Based upon the fact this was the municipality's fault in not properly flagging the property that is why we ended up refunding it back further. Mr. Fiore also spoke of another resident who received a refund on her taxes last year. The property was located on Raphael Court in the Amberleigh subdivision. This again was a result of a tax

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B.) MATTERS FOR DISCUSSION (cont'd)

appeal for the years 2009 and 2010 the refund was in the amount of \$3,013.17 (*Resolution R:82-2012*). Mr. Fiore then spoke on the above referenced property where the petitioner is seeking repayment of taxes for a period of time from 2008 thru 2012 in the amount of \$10,689.90. The solicitor urged council to be mindful of the fact that this particular case is different from the others mentioned, based upon the fact the other errors were picked up based on a tax appeal. Under Title 54 (*taxing act of the state*) the only way technically that taxes can be reviewed is through the process of filing a tax appeal. Again, this person didn't file a tax appeal however when you look at the relative equities involved in this type of case there is no case law with this particular issue. If the matter were to be brought to court the municipality will be at fault, at some level based upon the fact we have a responsibility to flag the COAH properties and this property was clearly *not* marked as a COAH property. He advised this particular matter went through the county, the county then said throw it back to the municipality. Dan Kozak was advised by COAH to take this back to the township solicitor for a recommendation. Mr. Fiore noted there is no basis under the law to provide for a refund. However, he cautioned that there are no reported cases that deal with the situation where a tax appeal is not filed and the municipality made an error to the detriment of a taxpayer. He also noted he spoke with Bonnie Longo, of the County Tax Assessor's Office and she indicated there is a COAH calculator that could be used (*demonstrate what the increase is each year*). Mr. Fiore explained this matter was totally at the discretion of council. Again, you can make the distinction the other two refunds involved tax appeals that brought this to your attention, the tax payers were fully within their rights to get the two (2) year relief, but they were not, under the law, entitled to any additional refunds. Mr. Fiore felt council exercised sound discretion at that point in time based upon the municipal error in refunding the money. The solicitor explained there is no forum at this point in time as the owner of the property has not filed a tax appeal, there is nothing pending in state court that would give them forum to challenge it however they could always file something in superior court.

Cncl. Walter Bryson questioned what happens if this matter comes up again next year. The solicitor advised he was assuming since Mr. Kozak has come on board this matter has been reviewed and corrected. He did note the county has indicated they are aggressively going out and making sure all COAH properties are properly flagged as such. Our obligation, in the past, is that it should appear within the deed and one of the prior requests contained the specific language that must be included in the deed. The solicitor was unsure as to how many of these properties are still out there.

Director of Finance, Jeff Coles advised the county is in the process of recording all the pilot programs, COAH properties and making their database accurate. **Cncl. Pres., Teefy** questioned if it was feasible or in the best interest of the taxpayer to file a tax appeal. It was noted a tax appeal would only refund two years.

The solicitor indicated you could reach out to the taxpayer and advise there is no basis to pay the entire refund and perhaps resolve/negotiate the matter. There has to be some burden on the taxpayer as well. **Mr. Coles** attempted to explain that any tax appeal

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B.) MATTERS FOR DISCUSSION (cont'd)

the resident could file deals with the assessed value and that has already been dropped to \$65,900.00 therefore filing an appeal is not going to help her get the monies back. That is exactly why the decision is in council's hands. There was some discussion on the use of the COAH calculator. Mr. Kozak explained you cannot use that calculator every year, it can only be used when a reassessment is conducted for the entire area (*can't single out those homes*). In 2008 when we reassessed the entire town the calculator could have been used at that time. Mr. Coles noted that Gerry Mead at the County Assessor's Office indicated they would not be interested, at all in using this calculator.

Cncl. Pres., Teefy asked what council's feelings were on this. After a brief discussion on the two year reimbursement and the relevant statute Cncl. Marvin Dilks made a motion to authorize a two-year reimbursement to the taxpayer (*Block 11902, Lot 15*). The motion was seconded by Cncl. William Sebastian and unanimously approved by the members of council. Solicitor Fiore will generate a letter to the resident advising of council's decision.

- **Request to Purchase Access to Lot 4
Lots 8 & 9, Block 2401**

Engineer, Chris Rehmann submitted a written report on the request to purchase access he then explained the content of the report displaying the final subdivision plan. He pointed out the two parcels in question and explained that prior to the Saddlebrook Chase subdivision there were lots in the area that were land locked parcels. Through the planning process, Green Avenue was connected to Dartmoor Drive and there were pie-shaped parcels between the out bounds of the subdivision and the individual lots. Each lot was conveyed to the individual so they would have frontage on Dartmoor Drive. Mr. Rehmann went on to explain that Lot 4 (*township owned property*) contains a retention basin and was part of the Open Space calculations required for the overall project. In essence, where they would like access brings up the question if that would diminish the open space. Mr. Rehmann then advised council of some alternative suggestions (*contained within his report*) that the Fuller's may be able to avail themselves of. Discussion continued on the options available and it was noted by the Mayor that the lots in question were somewhat worthless until the development came in. Mr. Rehmann indicated by the action of the planning board, in his opinion we put value on those parcels because we required the developer to grant them access to the road. It was the consensus of council members to go with the recommendations of the engineer (*as included in the report dated March 6, 2013*). Mr. Rehmann will correspond with the property owner and advise them of council's decision.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by Cncl. Marvin Dilks and unanimously approved by all members of Council. With no one wishing to address council members Cncl. Richard DiLucia made a motion to close the Public Portion. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council.

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D.) **NEW BUSINESS** - None

E.) **OLD BUSINESS** - None

F.) **COMMITTEE REPORTS**

Cncl. Walter Bryson reported a meeting of the Redevelopment Committee (*Bryson, DiLucia, Sebastian*) has been scheduled for Monday, March 18th. The committee will be meeting with Jerry Sinclair, Attorney for Francis Schultz (*Shorty's*) to discuss an issue with regard to the Acme Redevelopment matter.

Cncl. Pres., Daniel Teefy reported the Public Safety Committee (*Teefy, Caligiuri, DiLucia*) met with EMS, Chief of Ambulance Association, Nancy MacDonald, both Fire Chiefs, along with representatives from the county to discuss the EMS situation. Cncl. Pres., Teefy noted there was a review of the county's availability and what they are looking to do. He noted, if the county were to come in and run the operation they were looking to place 2½ squads on duty and they would have a need for a place to run the operation from. The consensus from all was we (*township*) are earning revenue that helps off set our taxes. The mayor then made some comments and questioned, do we want to give up response time, do we want to give up what we have. Mayor Gabbianelli then noted we are better off keeping our own, screw them, because we are paying and they (*county*) are giving us nothing. Every big town tells the county the same thing. He would like to sue them over this; we don't take advantage of it, and now is the time to do it. **Cncl. Pres., Teefy** then spoke of another question that being the need to have two (2) ambulances retrofitted and looking into the need for a rescue truck. **Cncl. Richard DiLucia** noted when we raised the issue with the county concerning their profit/loss data, their revenue out and their revenue in was two-thirds. Cncl. DiLucia then questioned them as to how they could justify such a move, when it costs \$11.5 million to run the operation and there is only \$3.5 million being collected. All the while, they are telling us that consolidation is good, when finally they admitted they could never turn a profit. He noted those numbers are far from a profit when you are losing \$7.5 million on an \$11.5 million bill, if this was a business they would put pad locks on the door tomorrow. Cncl. DiLucia noted that Monroe Township is showing a profit on their operation that goes into the general fund. He also mentioned several other negatives if we were to send ambulance service to the county. One being, we have three (3) employees that would retire immediately which would require \$60,000 to \$70,000 in contribution to their medical coverage for life. Therefore, we figured there is, at least, \$150,000 that we would be minus in the budget we are showing right now. Cncl. DiLucia felt it would be suicide to do it/move forward. He then spoke of what it will cost to continue supplying an ambulance service, which he felt everyone agreed on at least for the immediate future. It is apparent that the vehicles must be addressed and he spoke with Mr. Heydel on this during budget committee meetings, and to redo the bodies would cost approximately \$216,000 (*\$108,000 each*) and it was mentioned that new vehicles could be purchased at approximately \$155,000 each. Cncl. DiLucia felt we should look into purchasing new

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F.) COMMITTEE REPORTS (cont'd)

vehicles at this price (*if feasible*) as opposed to spending \$108,000 to just extend the life of the existing vehicles. **Cncl. William Sebastian** agreed with this because then you have the ambulances for trade-in. If you only replace the chassis, you don't have trade in. The mayor felt we would not get much money on the trade in, we should sell them on eBay. **Cncl. Pres., Teefy** questioned at what point are we buying or retrofitting. **Business Administrator, Kevin Heydel** advised as soon as a decision is made here to give us direction we will have the bid specs prepared. Mr. Heydel noted he would like to see **Director of Code Enforcement, George Reitz** oversee the preparation of the bid specs. The mayor indicated this was fine, he just did not want to see any council member involved with this. Mr. Heydel then noted we talked about the funding and he felt he could move existing money around as there are monies left over from the purchase of the fire trucks, trash trucks and perhaps some monies remaining from the dump truck. The mayor then noted when he became mayor his administration set up certain funds, such as Parks & Rec where the monies are not touched for anything other than what it was intended for also basin maintenance, which we can touch, if we must, the only thing it is used for is summer help. **Mr. Heydel** again noted as soon as he receives direction on this he can have an ordinance prepared for the next council meeting to re appropriate funds; this can be in the pipeline while we have the bid specs prepared and go out to bid as soon as possible.

Cncl. Ronald Garbowski noted he would like to see quotes both ways, if the numbers look good than he is all for it. The mayor agreed with this and discussion took place on the value of the existing boxes. **Director of Public Safety, Jim Smart** advised that the boxes are in A1 shape and a recommendation (*Vic Constantino*) was to place a chassis under them, he then spoke of the figures involved. Mr. Smart explained we don't have a problem with the boxes, we have a problem with the box going down the road which is the engine and transmission and all the other stuff around it. There was much discussion with many speaking at the same time so the discussion back and forth was inaudible. Mr. Smart then continued to speak on the features of the boxes and warranties associated with them. The mayor then noted we will do our research and come back to council in two weeks with a report. **Cncl. William Sebastian** noted the boxes themselves are up to date on all their equipment or otherwise they couldn't run, the main problem is with the drive train. There was continued discussion on the condition of the vehicles, etc.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED

Engineer, Chris Rehmann posed a question with regard to the budget, scheduled for Introduction at the regular council meeting. He explained the township is going to have some capital expenditures necessary for storm sewer replacement this year. Mr. Rehmann noticed there was \$50,000 in a capital line item and he assumed this could be used as a down payment if we need to put out a *construction bond*. He was unsure whether this amount was earmarked for ambulances he just wanted to make everyone aware of this issue. The mayor explained we are experiencing problems in our developments with *plastic pipe (drain pipe)*. It is approved by the state – RSIS, however

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G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED (cont'd)

the township can say no, we do not want it. He went on explaining there is a project being constructed behind Sam's Club which will be owned and operated by the builder and they are installing **concrete pipe**. The Preserves subdivision is one area where there are some issues with the pipe caving in and falling apart. What do we do, ARH has sent inspectors to the location but you can't have inspectors 24/7. We are in the process of inspecting other developments; we have purchased cameras, the MMUA helped out with other cameras and have been a wonderful resource for us. Mr. Rehmann noted there is one exception, we are safe on the roads. He explained a steel plate has been installed over one of the roads in the Preserves where the pipe has failed. The mayor explained we have had the manufacturer out there and he felt very strongly that this town should pass an ordinance that we want concrete pipe underground. If we don't do this we will have problems down the road, the Preserves is only ten years old approximately. Mr. Rehmann explained the Preserves subdivision was approved in 1999 however; the *plastic pipe* was approved in 2001. Mr. Rehmann noted the developer had a letter from their design engineer stating they could use it and the pipe would be acceptable in all cases except where the cover was less than one (1) foot. Mr. Rehmann explained what he felt happened during construction. The township has been very diligent in watching this area to make sure nothing else is going to happen. There are more than a couple cross drains and we could spend anywhere from \$100,000 to \$300,000 just in that development. The mayor stated that as a planning board member I will not approve a project with *plastic*, I will vote no, no, no however we should have an ordinance in place to require concrete pipe. **Mr. Rehmann** stressed he wanted council to know what they may have to deal with.

Engineer, Chris Rehmann also referred to a performance guarantee release for the Corkery Plaza project (*Black Horse Pike & Corkery Lane*). They have gone through a number of hurdles to get to this point and it is our recommendation for the release.

H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - None

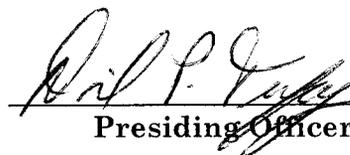
I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Richard DiLucia** made a motion to adjourn the Council Work Session of March 11, 2013. The motion was seconded by **Cncl. Marvin Dilks** and was unanimously approved by all members of Council.

Respectfully submitted,



Susan McCormick, RMC
Municipal Clerk



Presiding Officer

