

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
MAY 13, 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 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.: 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. Marvin Dilks** led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

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	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	(Arrived 7:05 PM)
Solicitor, Charles Fiore	Present	
Engineer, Dave Cella	Present	
Dir. of Finance, Jeff Coles		Excused
Dir. of Public Safety, Jim Smart		Excused
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) MATTERS FOR DISCUSSION**

**Cncl. Pres., Teefy** advised Resolution R:109-2013 authorizing the Mayor to execute a shared services agreement with the County for washing Public Works vehicles will be removed from the agenda due to the township having an existing agreement with the MMUA for the same service.

• **A&A Auto Salvage – Stalba**

**Solicitor Fiore** noted Mr. Stalba was contacted by the Clerk's Office regarding his non-compliance issue with the Department of Soil Conservation and in response to that Mr. Stalba provided documentation through his engineer indicating that he is now compliant. Soil Conservation has issued the report of compliance and the only outstanding item, for

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B.) MATTERS FOR DISCUSSION (cont'd)

housekeeping purposes, is for the township engineer to perform their inspection and then the township CO will be issued if in fact ARH finds all conditions have been satisfied. Cncl. Pres., Teefy questioned whether the paperwork ARH needed was submitted. Mr. Fiore replied yes, that Mr. Cella had copies for everyone. He then explained at this point in time there needs to be a determination as to whether or not Council feels Mr. Stalba is compliant and can remain on the 2013 towers list. Mr. Fiore requested Council make a motion and take a vote on it for the record.

**Cncl. Ronald Garbowski** made a motion for Mr. Stalba to remain on the 2013 tower list. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council.

• COAH

**Cncl. Pres., Teefy** explained we received a letter from COAH saying the new law that was put in place in June of 2012 requires all unused COAH money be sent to the State if we do not have a plan in place. Solicitor Fiore added the State is looking for ways to generate money during budget time but we do have a plan and he, Kevin Heydel and Tim Kernan are working to get this issue resolved. He explained the confusion came about because the previous report was filed through 2007 and the State has now included years 2008 and 2009 and want us to account for an additional \$122,000 that was collected during that period of time. **Mayor Gabbianelli** noted our plan is to buy property for Catholic Charities for senior housing so that money will be included in that plan but it still will not be enough to purchase the property. If we have to spend the money we will need to bond for the remainder of the money to buy the property. Any finance charge for the bond will come out of that COAH money so it will not cost the taxpayers anything. Right now we haven't done anything because there is nothing going on and why create a debt that we do not need. **Cncl. Pres., Teefy** questioned whether a plan was submitted to the State. **Mayor Gabbianelli** explained a plan was submitted, it just needs to be updated. **Cncl. Bryson** noted when he saw that we owed \$123,000 he sent a note to the solicitor with a few questions relative to the law requiring the township to send those funds to the State. He noted the original intent of COAH was to place affordable housing at the level of local townships so he sent the following questions to Senator Madden, Assemblyman Moriarty and Assemblywoman Mosquera:

1. If you take \$123,000 from us are we going to get some kind of COAH credit for it so that we do not have to commit these funds in the future?
2. If we do not get a credit for it and we need that money later on to build, will we get it back?

Solicitor Fiore noted the answer to both those questions is "no" and the reason being is because basically this is the penalty for not submitting a spending plan but we are going to submit that. **Cncl. Bryson** spoke of how it takes four years just to settle lawsuits involved in this so legislators need to take a close look at this to change the law to give

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B.) MATTERS FOR DISCUSSION (cont'd)

townships receipts for COAH money they give to the State. In addition to that he requested clarification from the legislators regarding two other topics. One brought up by Cncl. DiLucia was about COAH recipients having a responsibility to let the State know if their income increases. He noted the legislators are looking to see if there is any compliance for that and he felt if there isn't, some should be generated. He also addressed with them cross referencing between counties and local municipalities and what happens with the township if a COAH recipient finds they have over paid their taxes over a period of four or five years. According to the legislators there is a bill in the House and Senate that will address all situations when a municipality must remit funds to someone. The bill will see that the county and the school district remit their share so the entire amount does not come out of municipal funds. **Mayor Gabbianelli** noted that bill has been up there for ten years and it's all a game to them. Cncl. Bryson noted we need to keep on them to get this passed. **Cncl. Sebastian** noted the COAH Plan must be a rolling plan that is updated every year because it deals with funds not being spent over a four year period.

• Robert J. Pacilli Homes, LLC - Appeal

**Solicitor Fiore** explained this is an appeal filed by an applicant before the Planning Board. The basis for his appeal is that the engineer on behalf of the Monroe Township Planning Board charged too much through the escrow account. The appeal procedure under the Municipal Land Use Law is to file the appeal with the governing body and they (*governing body*) have 45 days to take action upon it. He explained Council must decide whether to negotiate with the gentleman, with the Planning Board engineer or just direct Mr. Pacilli to go right to the Gloucester County Construction Board of Appeals. If Mr. Pacilli feels he did not get a satisfactory remedy through the governing body then he can appeal it to the Construction Board of Appeals. **Cncl. Pres., Teefy** questioned if he did already appeal. Solicitor Fiore replied no, he would first appeal to Council so the question is whether Council wants to entertain this at all, send it to the Administration or Law Committee or direct him to go to the Construction Board of Appeals. **Mayor Gabbianelli** noted he doesn't know how Pacilli can appeal since he is not the owner of record for that project. He is in the process of buying it, but someone else paid that money for the Tuckahoe Road project and they didn't have a problem with it. Solicitor Fiore will check to see if Pacilli was the one who put up the escrow money and completed the application as the applicant. Mayor Gabbianelli noted he did for the changes but not from the beginning. Mr. Fiore noted if he paid then he would have standing to appeal it. If he did not pay, unless he has authorization to move forward from the person that paid, then he can't move forward so we need to verify through the Planning Board that he is the one that put the money in the escrow account. **Cncl. Sebastian** noted another issue maybe that part of his purchase agreement might be to reimburse the escrow monies that were put up, which is why he may want it reduced. Solicitor Fiore explained he wants a simple determination on whether he was the one who put up the money or that he has legal authority to move forward with the appeal. **Cncl. Caligiuri** questioned the nature of the appeal. Solicitor Fiore explained the number of hours the engineer spent on this appears to be in question. **Cncl. Pres., Teefy** noted it is not in excess of what the ordinance says. Mr. Fiore explained

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B.) MATTERS FOR DISCUSSION (cont'd)

the ordinance does not specifically address what a senior or junior engineer would cost or what the cost was for field work done so he is dissecting the bill. Mayor Gabbianelli noted the Construction Board of Appeals deals with this and knows what rates are allowed for secretaries, senior engineers, etc. so it is just as easy to let him pay the \$50.00 fee to the County and let them handle it. Cncl. Sebastian noted when he was chairman of the Zoning Board of Adjustment we had a similar problem. The Zoning Board is a different area because it usually deals with single family homeowners who just want to put up a fence, it is not a major site plan but what happened was we found there were redundancies between the planner and the engineer. Their reports were going out almost identical in many respects so he told them they were double dipping and charging for the same information. Responsibilities were split and the planner took half and the engineer took half. After that a couple of things may have come back the same only because of where they were in the engineering process but what happened was, people were not paying a lot of money into an escrow account to hear the same report twice. That worked well over the years but whether the Planning Board could do that or not would be up to the chairman of that board. Mayor Gabbianelli spoke of being on the Construction Board of Appeals for the last four years and of how during that time, Pacilli has submitted appeals about ten times. Solicitor Fiore recommended Council make a motion as to whether they want to address this issue in committee or let it go to the County to deal with it. Mayor Gabbianelli recommended it go to the County, as they have a professional board to handle it. **Cncl. Ronald Garbowski** made a motion to let Mr. Pacilli take it to the County Construction Board of Appeals. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council. Mr. Fiore noted he would send Mr. Pacilli's attorney a letter advising of this decision.

C.) PUBLIC PORTION

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

**Mark Fera** of **Fera's Jewelers** was in attendance regarding the proposed amendments to the Precious Metals Ordinance. Mr. Fera noted the proprietor of Williamstown Diamonds and Fine Jewelry was also going to attend this meeting but due to his mother unexpectedly passing away today he couldn't be here. He noted they have concerns about the new ordinance that they want to address with Council. Their first objection to the ordinance was keeping jewelry they purchase in public view in the store. The problem is jewelry cannot be picked out of a lineup because hundreds of thousands of the same ring is made and it causes a scene in the store when crime victims come in looking for their jewelry and see something they say is theirs. When that happens the police are called and they confiscate the item and then get to the bottom of it. Mr. Fera explained currently he sends the police department color pictures of all jewelry he purchases. He felt that constitutes public view because crime victims can go to the police station and view all the pictures. The police officer can then investigate to see if it is just a similar item that another person sold or whether it is in fact the stolen item. The other issue he addressed

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C.) PUBLIC PORTION (cont'd)

was the data base the police department wants, which was adopted by Maryland two years ago. Mr. Fera noted the proposed ordinance says "*use of electronic reporting system for this type of information is common across the United States*"; however, Prosecutor Dalton's office researched that and found in reality only twenty-two states have any type of reporting to the police and of those only four currently have this electronic data upload. Mr. Fera objects to that because he felt the pictures he sends to the police department are worth a thousand words, plus he holds items for five days, the police are welcome to come in and examine the items and the people can examine the item through pictures in the police department. He explained if a person comes in with ten ounces of silver jewelry that can consist of twenty-five to thirty items, which he would pay about \$140.00 for but for him to upload that amount of jewelry would take between one hour and three hours a day. Due to the time involved it would not be worth it for him to purchase sterling silver jewelry so instead of paying \$140.00 and making a \$30.00 profit, he would offer \$20.00 or \$30.00 for the jewelry, which people are selling in order to pay bills, buy prescriptions or just to feed their kids. **Mayor Gabbianelli** questioned whether Mr. Fera was involved in creating this new ordinance. Mr. Fera replied no and went on to explain that his attorney approached the committee requesting some input but he was never notified about the ordinance until now when it was going for First Reading. **Cncl. Bryson** spoke of the Precious Metals ordinance we already have in place and Mr. Fera noted that ordinance is three years old and is actually working very well. The Mayor suggested the ordinance be tabled so Mr. Fera and the other jewelers could meet with the detectives to address their concerns. Council agreed and **Cncl. Pres., Teefy** requested Mr. Fera to go through the ordinance and email his comments about it to the clerk and she will forward them to Council to review prior to the next ordinance committee meeting.

**Joe Sykes**, owner of **Loose Change Coins and Collectables** located in the Amish Market was also in attendance regarding the Precious Metals Ordinance. Mr. Sykes noted his business is only open three days a week and he is having problems making the \$350.00 a month rent. He only has a cell phone in the store so there are no lines for a computer and he will not install them or buy a computer to send anything to the police department. He explained he does not buy jewelry only watches, inexpensive items and coins and he will close his business before going through all this. He noted there are millions of coins so if twenty of the same denomination were placed on a table and a picture was taken of them you could not distinguish one from the other to say whose it was. **Cncl. Pres., Teefy** suggested Mr. Sykes also attend the next ordinance committee meeting to participate in discussion of the ordinance.

With no one else from the public wishing to speak **Cncl. Walter Bryson** made a motion to close the Public Portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council.

D.) NEW BUSINESS - None

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**E.) OLD BUSINESS**

**Cncl. William Sebastian** requested an update on the status of the Sicklerville Road landfill. **Mayor Gabbianelli** reported Trevan Houser was in a couple of weeks ago and advised all gas tests were done. A report will be submitted to the State and then we will find out where we're at on that. The problem is one property owner is not allowing access to his property so only the right-of-way on that side of the street can be used.

**F.) COMMITTEE REPORTS**

**G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 5/13/13**

**Cncl. Frank Caligiuri** referred to Resolution R:110-2013 dealing with Landscape Architect Design services and questioned whether the County has an agreement with their professionals that they are on a pro rata basis meaning a per hour basis or are they on permanent retainer. **Mayor Gabbianelli** explained they are County employees and there will be no cost to the township. **Business Administrator, Kevin Heydel** noted he doesn't know why this is coming through us it should go through the Board of Education but the County required that it come through the township.

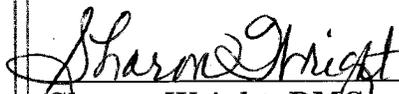
**H.) QUESTIONS REGARDING ORDINANCES SCHEDULED - 5/13/13**

**Cncl. Pres., Teefy** advised Ordinance O:09-2013 that amends the Precious Metal Ordinance will be removed from the Regular Council Meeting agenda.

**I.) ADJOURNMENT**

With nothing further for discussion, **Cncl. Walter Bryson** made a motion to adjourn the Council Work Session of May 13, 2013. The motion was seconded by **Cncl. Marvin Dilks** and was unanimously approved by all members of Council.

Respectfully submitted,

  
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**Sharon Wright, RMC**  
Deputy Clerk

  
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**Presiding Officer**

*These minutes were prepared from the tape-recorded proceedings and the hand written notes of the Council Work Session of May 13, 2013 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 5/28/13  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_