

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014**

A.) OPENING CEREMONIES & ROLL CALL

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council President Garbowski** 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. DiLucia 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. Richard DiLucia	Present	
Cncl. William Sebastian	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:23 PM)
Cncl. Pres., Ronald Garbowski	Present	
Mayor, Michael Gabbianelli	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann	Present	
Dir. of Public Safety, Jim Smart	Present	(Arrived 7:15 PM)
Dir. of Code Enforcement, George Reitz	Present	
Dir. of Public Works, Bob Avis	Present	
Municipal Clerk, Susan McCormick	Present	

B.) MATTERS FOR DISCUSSION

- **R:194-2014** Resolution Of The Township Council Of The Township Of Monroe, County Of Gloucester, New Jersey, Authorizing And Approving The Township's Participation In The Municipalities Continuing Disclosure Cooperation Initiative Of The Securities And Exchange Commission; And Authorizing And Approving Certain Actions In Connection With The Foregoing

Business Administrator Kevin Heydel explained within the past couple years the Securities and Exchange Commission started reviewing reports regarding bond information. TD Bank is the administrator of our bonds and it is their responsibility every year to certify and report to the SEC that our audit reports are on time but they have not been doing that. This is not anything new because it happens in many municipalities but now the Security Exchange Commission is looking at it. To be proactive since TD Bank does not have the resources to do it

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014**

B.) MATTERS FOR DISCUSSION

we are going to have Phoenix Advisors, who works closely with Parker McCay, prepare the reports for us on an annual basis to insure the reporting requirements are done correctly. This resolution authorizes that. **Cncl. Bryson** questioned if there is anything that has not been disclosed because it also sets penalties if the reports have not been done. Mr. Heydel felt we would not be penalized even though the analysis showed our audit reports were all late because that happens in most institutions. If they were to enforce the penalties they would have to enforce them on just about every municipality. By being proactive we will be sure our financial reports are completed. **Cncl. Bryson** questioned whether Phoenix Advisors is a new company that will be used. Mr. Heydel explained Parker McCay uses that company to issue our bonds, to do all the calculations and paperwork. **Cncl. Bryson** questioned how the Department of Community Affairs works into this because they are mentioned as being the enforcers and we are also mentioned regarding questions for self-reporting. Mr. Heydel noted we are doing the self-reporting and the Department of Community Affairs controls the Local Finance Board for New Jersey. **Cncl. Bryson** cautioned that the resolution basically states guilt that we were late in filing. Mr. Heydel noted that is correct but we will not get penalized for that. When we go out for bonding we state annual reporting is being done to the SEC and that has not been true so now we are being proactive because the SEC is cracking down on that. **Cncl. DiLucia** questioned Mr. Heydel's comments about TD Bank not making the reports. Mr. Heydel explained they do not have the department or resources to make the reports but this is something that has just developed over the last couple of years. **Cncl. DiLucia** questioned whether this reporting was part of TD Banks' responsibility for the interest we are paying them because if it is their responsibility then why are we paying for it. **Mayor Gabbianelli** agreed and suggested we bill them for this service and see what happens. Mr. Heydel indicated he could not answer that question. **Cncl. DiLucia** felt a bank with their resources means they just don't want to spend the money and he questioned who would be held responsible for non-compliance, TD Bank or the township. Mr. Heydel indicated the township would be held responsible. He noted he spoke to Phoenix Advisors during a conference call with the CFO and Parker McCay and was told that we do not have to move forward with them. We had them prepare the initial report to find out whether we were in compliance and after doing some research they found bonds from 2012 were not reported and they also found the number of days the audits were late. Phoenix said this is something TD Bank should be doing, but it is something new. Phoenix issued the initial report and the cost for them to update it each year would be \$600.00 to \$800.00. Mr. Heydel noted he doesn't know if it says in any of the documents that it is the responsibility of TD Bank to submit the reports. **Cncl. DiLucia** suggested Mr. Heydel contact TD Bank to ask why they have been negligent on this and then if we have to do it whether they are prepared to compensate us for that work if we subcontract it to someone else. Mr. Heydel indicated he would do that. **Cncl. Bryson** questioned whether there was a time limit on this because the Resolution stated December 1, 2014. Mr. Heydel replied no, there is no time limit but after the conference call with the CFO it was felt it was in the best interest of the township to continue this in a timely fashion to be proactive instead of reactive. Council questioned whether the report was due annually and whether \$800.00 would be paid every year for the life of the bond. Mr. Heydel explained Phoenix Advisors would review it annually at a cost of \$600.00 to \$800.00 a year. **Cncl. Pres., Garbowski** agreed with **Cncl. DiLucia** that TD Bank should be put on notice and back charged for this. **Solicitor Fiore** explained they cannot be back charged but the telephone call can at least be made.

**MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014**

B.) MATTERS FOR DISCUSSION (cont'd)

Compliance with the State and SEC regulations are different and probably what happened is that the SEC audited municipal bonds and discovered they are not complying with the SEC regulations that have been on the books for years. Mr. Heydel indicated he would contact TB Bank regarding this issue.

- Proposed Amendment to the Tri-County Water Quality Management Plan for the McTague Project - Block 14901, Lots 22,23,36-39 & 42

Solicitor Fiore noted the McTague tract located on Route 322 is not part of the Tri-County Water Quality Management Plan and in order to develop that site they are asking the township to consider amending the plan to include that property. They would like to construct twenty-five residential homes and 4,500 square foot of commercial space in the front. **Mayor Gabbianelli** questioned if the township tried to include that when Churchill did the stormwater plan for the whole County. Mr. Fiore noted we did and we also wanted them to include the area around Decora. **Engineer, Chris Rehmann** explained they didn't accept the overall request so this is just one segment of it on the Fries Mill Road and Glassboro Road area. **Cncl. Bryson** noted he touched base with the MMUA on this and they are aware of it. **Cncl. Caligiuri** questioned whether Cncl. Bryson found out if the MMUA had an allocation of water for that. Cncl. Bryson indicated they did and the number is included in the information submitted. **Solicitor Fiore** suggested that more questions be asked in regards to whether they could guarantee 4,500 square feet of commercial would be attached to the project because most developers say they want to build the rooftops first and then maybe build the commercial later. **Cncl. Sebastian** questioned if this is the project they wanted to develop five or six years ago as a mixed use. **Mayor Gabbianelli** spoke of how that project was to come off the corner of Pitman-Downer and touch out on Fries Mill in the area of the old church that was demolished and then out to Route 322. He noted the investors were Irishmen from New York and the developer was Allen Wozniak but that died when the market shifted. At that time the County hired Churchill and Associates and they didn't listen to anything we had to say. The main issue was Decora, which wanted to make their facility their worldwide headquarters but without sewerage that never happened. Mr. Fiore explained Council can approve this or table it and reach out for more information from the principals. Mr. Rehmann noted the township has not had any new added assessments over the last couple of years so they might want to consider approving it to get things moving in that area. This is just for the right to install sewer, it does not deal with any development approval, as that still needs to go before the Planning Board. **Mayor Gabbianelli** questioned if this is moved forward would the township pay the fees associated with it. Mr. Rehmann advised the developer would pay the fees. **Cncl. Pres., Garbowski** polled Council and all members were in favor of moving it forward. Mr. Fiore noted he would prepare a resolution for the December 8th Council Meeting.

C.) PUBLIC PORTION

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

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014

C.) PUBLIC PORTION (cont'd)

Domenic Burgess, B & B Auto Repair questioned if Council would be voting on the 2015 tow list because it was his understanding there was a possibility he could be removed from the list due to a permit issue for a carport that he had constructed in 2003. The contractor who constructed the carport said he would be doing all the paperwork so he (*Mr. Burgess*) never questioned it. Since 2012 he has been trying to trace down any infractions he may have had and has a letter from the township saying he was in compliance. In 2013 he was removed from the tow list because of a paperwork issue on his certificate of insurance. In February 2013 when he was off the list he went to the Zoning Office and questioned them on what he needed to do to verify that he had no problem and was told they would get back to him. That didn't happen so in July he requested it in writing and when he still didn't get anything he came to Council in September questioning whether he had to address any issues. The next day he received a letter telling him what issues he had to address and they were basically a commercial CO on the carport and the pole barn area. He did do that and he went to Zoning to see if he needed to do anything else and they said no, as far they knew he was good. In 2014 he was approved for the tow list and shortly after that he was notified that the township could not find a permit for the carport while they were providing information for the Simmermon litigation, which was using the township information to get all the other towers. He noted he again asked what he should do and they told him to get a permit so he got the permit by either the end of May or beginning of June. Mr. Burgess noted in 2013 he was taken off the list for paperwork issues and for not having the permits when AA Auto Salvage, who did not have all his permits and certifications was still permitted on the list because in the end of May 2013 Council stated they would not remove him because he had all his documentation to be in compliance. He questioned why three to six months was given to that tower to complete his certification when he is not being given that same time period. He added he was told it was a Council or township error and that's why more time was allowed but by him going to Zoning to find out what he did wrong and not getting an answer was also a township error. **Solicitor Fiore** advised Council will not be voting on the tow list tonight because he has not presented the supplemental report from the judge, which was shared with all the towers. He noted this will be acted upon at the first meeting in December according to the ordinance. What makes it different now as compared to a few years ago when we had much more leeway and latitude is that the judge essentially found our ordinance does not give discretion to give people time to cure things like the situation in the past with Tom Stalba and with other towers. He questioned is that fair; noting he would have to leave that up to the individual because the judge's order does effect a couple towers. Action will be taken at the December meeting and tonight during the closed session he will discuss with council what their options are. Mr. Burgess questioned if Mr. Fiore would come out of closed session and say what was decided. Mr. Fiore advised probably not, because nothing will be completely decided this evening but if anything is finalized it will be announced after the closed session. Mr. Burgess noted these problems are going back to 2002 or 2003 when the issue was his permit and he questioned whether we can address the fact that A-Jack's was doing Bill's Auto Body and Hogbin's at the same time, which was illegal. Mr. Fiore replied no, and the reason we can't is because it wasn't part of the litigation. The

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014

C.) PUBLIC PORTION (cont'd)

litigation cleared the field and set the tone for what is going to happen in the future and for what we can and can't do any longer without causing more liability to the township. **Cncl. Caligiuri** questioned whether Mr. Burgess was currently out of compliance. Mr. Burgess replied no. Solicitor Fiore advised this matter is still in litigation and the report from the judge needs to be discussed in Closed Session so he would rather no one comment on it at this point in time. Mr. Burgess noted he went to Zoning five or six times and asked them what he needed to do so if he couldn't get an answer on how to fix it how would he know it was broken. Mr. Fiore noted he knows Mr. Burgess did that and there is documentation that reflects that but unfortunately the information that was given to him was not correct. He noted Mr. Burgess has options that may be available to him beyond the Council helping him because he relied upon what the township told him at that time. It is not fair but this Council based upon the ordinance may not be able to do anything about that unfairness. Mr. Burgess individually may be able to but not through this Council.

Dan Howard from B & H Auto Repair questioned whether he would be notified if he is still on the towing list as his rotation is next week and Domenic Burgess follows him. Mr. Fiore explained the rotation scheduled will continue through the end of this year for continuity plus everyone has scheduled their lives around those individual weeks and the language in the report did not require it to happen immediately. Mr. Burgess noted the towers are looking at it as though we are being penalized for something the township told us was good.

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

D.) NEW BUSINESS - None

E.) OLD BUSINESS

Cncl. Bryson spoke of receiving an email from Joanne Mechowsky regarding the drainage on her property behind Amberleigh and questioned Mr. Rehmann as to whether they were going to move on it. Mr. Rehmann advised in his opinion they are not so he needs to discuss this with Mr. Fiore because it's too late to do landscaping now. He explained his office did the As-biult and sent it to the bonding company but they have not responded. We said an additional inlet should be installed next to Joanne's property with a discharge pipe into the wetlands to allow the water to drain from her yard and that pipe should be perforated so we won't get in trouble with the Pinelands. Mr. Fiore has been trying to get the retention basin issues worked out for what seems like a lifetime so we will probably need to go to court over that issue. If it is a bond it should be put in an escrow account for us to finish the job without them. Mr. Rehmann noted he doesn't know what else to say. **Cncl. Bryson** questioned whether the perforated pipe was already installed. Mr. Rehmann replied no that is their job to do, we are not using taxpayer money to do that. Mr. Fiore questioned whether

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014

E.) OLD BUSINESS (cont'd)

Mr. Rehmann would agree that the problem is convincing the bonding company that it is their problem because it was built according to the As-built. Mr. Rehmann agreed and noted he is trying to help them out. He explained we did elevations of the backyard and the drainage and it was built as the plans describe it. Cncl. Bryson noted the people in that development put fences up in good faith according to their As-built and then this developer built the condominiums and graded the ground as he says according to his As-built and those two plans are not the same. Mr. Rehmann noted the property owners put their fences right on the ground and the grade of the Amberleigh Project is to the bottom of the fences but the water cannot get under the fence. Cncl. Bryson explained what the homeowners told him is that when they initially put up their fences they were not on the ground, they were above the ground and then Amberleigh graded right to the fence. Mr. Rehmann noted if you stand in their backyard the dirt in their backyard is up against their fence and on the other side it is at the same fence level so the smooth grade is blocking the water. He noted he is trying to get the area re-graded but they will still need to move their fence or put something under it to let the water drain but then that could cause drainage issues on another property. Cncl. Bryson noted there needs to be some type of resolution because the homeowners are not going to stand around too long without something happening. **Cncl. Sebastian** noted the MLUL says in a development you cannot have runoff going on to a neighbor's property and in this particular case you have a development into another development. He questioned whether Amberleigh was having its runoff go on to the other properties. Mr. Rehmann replied no, it is preventing the Mechowsky's runoff from going onto Amberleigh's property. Cncl. Sebastian noted so it was the original developer's fault for having the water run off on the neighboring property. Mr. Rehmann explained his understanding is natural runoff is allowed to drain onto an adjacent property but water cannot be directed or channeled to do damage. There is nothing wrong with the water going there except that whoever graded the back of their property made the backyard flat. He noted we did have the opportunity to take elevations all along there and Amberleigh did place money in Chuck's escrow account for us to do those As-builts because they couldn't get a certain survey to do it. We need to find a way to resolve the issues and the only way he can see is to get the money remaining in the bond, which should be at least 30% of the original bond, and go out and hire a landscaper to replace the dead trees and grade it from the fence down to the swale. There is not a whole lot of fall but we can make it work if we have the ability to get a contractor to do that. The bonding company was asked to do that but they are not responding.

Cncl. DiLucia questioned Mr. Rehmann regarding the status of the leisure/dog park. Mr. Rehmann noted a Green Acres Grant application was submitted to the State for the Genova Property and that takes approximately three to six months depending upon what funding cycle they are in. He spoke of talking to a representative from the State regarding an irrigation grant for the Owens Park football field and the Recreation Open Space Inventory (ROSI), which was finally approved after getting the lease from the school board. Cncl. DiLucia questioned what the chances were of getting grant money, if so how much and what amount will be needed to complete the project. Mr. Rehmann felt grant money would be received but since he didn't have the application in front of him he was not sure of the amount. He explained the project includes an access road, parking, a couple of fields graded

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014

E.) OLD BUSINESS (cont'd)

for soccer and that would cost at least half a million dollars. Mr. Heydel felt the cost was more like \$700,000.00 and Mr. Rehmann advised that would be a 50% grant. Cncl. DiLucia questioned if there was money set aside for that project. Mr. Heydel indicated he was not sure how much was available in that account and the Mayor noted there is not much left after the installation of lights at Owens. Mr. Heydel advised there is \$1.9 million in Open Space money and approximately \$125,000.00 in the Developer's Fund.

Cncl. DiLucia also questioned the status of the traffic control devices. Mr. Heydel advised the equipment has been ordered but he didn't know if it has been delivered yet.

Cncl. Bryson spoke of previous discussions about funding storm water projects and noted one project would fall under Green Acres and he questioned whether Mr. Rehmann had to submit those grant applications at a certain time. Mr. Rehmann noted the applications can be made but there are two funding cycles and he would get Council that information. Cncl. Bryson noted grant money for water/sewer projects can come from the NJ Environmental Infrastructure Financing Program, Nine Points Source Pollution, Community Stewardship Incentive Programs, Green Acres Grants and Loans, New Jersey Clean Communities Grants and the Flood Hazard Risk Reduction and Resiliency Grant Program, which has over \$50 million. These grants look like they may be something we can apply for to get these projects off the ground and maybe even funded so our taxpayers do not have an additional cost. He noted the grants are on the website but the question is when and who responds to them. Mr. Heydel explained the Administration in conjunction with the township engineer because we need to come up with cost estimates for the projects being considered. Cncl. Bryson explained some of the grants ask for an asset management program to check how old the storm sewers are, where they are and what kind of damage they may have. **Mr. Rehmann** noted we have grants from the Delaware Valley Regional Planning Commission to do a study of the best used pedestrian and bike access to our roads and that will be turned into a road inventory program. Although that is not fundable under the grant the way it was structured we need to do the inventory to determine whether our roads are bike accessible. This gives us the opportunity to do that so then a five year road improvement program can be done to get all the roads up to a particular level. Mr. Rehmann explained North Jersey gets the majority of grant money for flood hazard areas but we will go up and meet with them. There is a New Jersey Infrastructure Trust Fund that is being used in Hammonton right now to replace water/sewer and storm sewers. It is a grant/loan program and they are using DOT funding to pave the roads where the water/sewer is being replaced. Mr. Rehmann also advised Council that he sent them the information about the issues on Saybrook Avenue that he and Mike Cavello looked into.

F.) COMMITTEE REPORTS

Cncl. Sebastian reported the December Ordinance Committee Meeting has been cancelled and he requested a motion to approve the November 10th Ordinance Committee Minutes.

MINUTES
COUNCIL WORK SESSION
TOWNSHIP OF MONROE
NOVEMBER 24, 2014

F.) COMMITTEE REPORTS

Cncl. DiLucia made a motion to approve the Ordinance Committee Minutes as submitted. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council with the exception of **Cncl. Bryson** who Abstained.

Solicitor Fiore reported the Law Committee would be meeting December 9th to discuss the Dealers of Precious Metals Ordinance.

Cncl. Caligiuri questioned whether Council came up with any direction for the Open Space Advisory Board, as they would like to know if they are on target with the recommendations they made last year in regards to how to spend the money and if there is anything they should be doing for next year. **Cncl. Pres., Garbowski** noted one of their recommendations was the bike path and we are working on that. **Cncl. Teefy** questioned when the next Open Space Advisory Board Meeting is scheduled because he would like to stop in and talk to the Board. **Cncl. Caligiuri** indicated it is scheduled Monday, December 1st. **Cncl. Pres., Garbowski** requested the Clerk also send the Board's recommendations to Mr. Rehmann.

Mr. Rehmann noted Resolution R:195-2014, which is a denial of a bond reduction for Summerfields West is scheduled on the agenda and due to some miscommunication on his part he requested that resolution be removed from the agenda this evening. He noted the development was broken up into sections and he has some legal questions on how this should be handled.

G.) QUESTIONS REGARDING RESOLUTIONS SCHEDULED - 11/24/14 - None

H.) QUESTIONS REGARDING ORDINANCE SCHEULED - (None Scheduled)

I.) ADJOURNMENT

With nothing further for discussion, **Cncl. Sebastian** made a motion to adjourn the Council Work Session of November 24, 2014. The motion was seconded by **Cncl. Bryson** 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 November 24, 2014 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 _____ *Amc* _____
Approved as corrected _____

Date 12/8/14
Date _____