

**MINUTES  
COUNCIL WORK SESSION  
TOWNSHIP OF MONROE  
JULY 27, 2015**

**A.) OPENING CEREMONIES & ROLL CALL**

The regular scheduled Work Session Meeting of the Monroe Township Council was called to order by **Council Vice-President Cody Miller** at approximately **7:01 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. McIlvaine led the Assembly in the Salute to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bob Heffner	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Cncl. Pres., Frank Caligiuri		Excused
Mayor, Daniel Teefy	Present	
Business Admin., Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Engineer, Chris Rehmann, ARH	Present	
Dir. of Public Safety, Jim Smart	Present	
Dir. of Code Enforcement, George Reitz		Excused
Dir. of Public Works, Bob Avis	Present	
Deputy Mayor, Andy Potopchuk	Present	
Municipal Clerk, Susan McCormick	Present	

**B.) MATTERS FOR DISCUSSION**

**Request – Relocation of Street Light – Staggerbush Road**

**Cncl. Vice-President, Cody Miller** referred to documentation received with regard to a request for the relocation of a street light along Staggerbush Road (*Carriage Glen*) explaining that the existing street light is in the correct location (*was properly installed according to Planning Board guidelines*) but apparently the placement is right in front of an individual's front door entrance. Cncl. Miller added that Atlantic City Electric has been contacted and if they get the go ahead from the municipality they can move the actual street lamp. He mentioned a cost involved (*appx. \$1800.00 to \$2000.00*) however that would not be the municipality's cost to bear. **Solicitor Fiore** noted that it was his understanding the

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**B.) MATTERS FOR DISCUSSION (cont'd)**

actual location of the poles is decided by the Planning Board therefore, he felt, it should go back to that board, at least for an advisory opinion. You also must give credence to any documentation from the police department as to the issue because there is a reason for the strategic location of street lights. The Clerk advised of the procedure followed with respect to contacting all involved (*ACE, Paparone Homes, Ryan Homes, Mr. White*) noting that she stressed to the resident that the township will not bear the cost to move the street light. She further explained that at her request Sgt. Burton did survey the area but did not recommend movement as there is no public safety benefit for the police to recommend the light post be re-located. Mr. Fiore noted that Ryan Homes buys improved lots they are not the developer, they buy it with the location of the poles in place. **Engineer, Chris Rehmann** shared a concern with the movement it may create another set of circumstances. It was the consensus of council members to communicate with the Planning Board requesting an advisory opinion on the movement of the street light. The Clerk will correspond with Mr. White and advise him of this.

**C.) PUBLIC PORTION**

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

**Mark Fera** (*Fera's Jewelers*) - 420 N. Delsea Drive, Clayton, NJ approached council members with his concerns regarding Ordinance **O:27-2015** *An Ordinance Of The Township Council Of The Township Of Monroe Deleting Chapter 237 "Precious Metals" And Establishing A New Chapter Entitled "Dealers Of Precious Metals, Gems, And Second Hand Goods"* scheduled for 1<sup>st</sup> reading. Mr. Fera noted he did receive the latest draft of the ordinance being introduced and he felt still there is a lot included in the ordinance that violates his constitutional and civil rights. He indicated that he did some research with FBI crime stats because he was told by a police officer that they are getting their socks knocked off with burglaries. According to those statistics between the years of 1996-2000 burglaries in Monroe Township were down 22.9%. He then went year by year from the years 2005-2014 as this is when the last stats are available and found that in the year 2005 Monroe Township had 204 burglaries, it dropped to a low of 157 in 2007 (*before gold went up in value*), through 2007-2010 it went from 204 to 211, in 2011 a total of 206 and in 2012 there was a spike to 281 burglaries. In 2013 it dropped to 261, in 2014 for the first half it dropped another 15.5% making that figure 221. Mr. Fera continued adding that the numbers have been pretty stable and in his opinion that makes the need for this ordinance unnecessary. The state has just passed stricter controls on the "*Precious Metals*" buying industry, we now hold it for ten (10) business days, the police get a picture of everything jewelers and precious metals dealers buy as well as the license of the seller and their address. Mr. Fera felt they should let this play out and see how the crime rate keeps dropping without placing an undue burden, and he believed an unconstitutional burden, on buyers of precious metals. Therefore, he felt council should really reconsider this matter. He went on to speak of his objections, one being his

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C.) PUBLIC PORTION (cont'd)

objection to applying for a license that is solely up to the discretion of the Chief of Police or his designee to approve or disapprove after doing a criminal background check adding that no other business has to go through this. It also allows them to deny my permit, or any other persons permit, just on their discretion. It also gives them power to pull the permit to buy if I violate anything in this ordinance, which is very loosely constructed and they could find a violation if they wanted to. He was also opposed to the language dealing with the "hearing" process if a license were to be revoked. Mr. Fera stressed he has a right to acquire goods in legitimate transactions from the public, and he felt this ordinance violates that right. He then spoke as to the reporting aspect which he felt violated his right to involuntary servitude. Mr. Fera continued and spoke of the software systems, LeadsOnline and Rapid System are private corporations that make money from supplying this data to police departments. He noted that what he is doing is working for a private corporation generating a profit from them at my expense with no restitution whatsoever, this is unconstitutional. Mr. Fera then noted that he offered to town council that police could feel free to come in every night and upload stuff into the system they need to recover stolen goods, if they feel the one they have now is not good enough. He then stated the only way anything will get entered into the Rapid System or LeadsOnline will be for either company (*private corporations making money*) to send an employee into my place of business and upload into their system or the police department will send someone in to do the same. Mr. Fera was emphatic in saying, I will not upload into a system for nothing. I will fight this to the Superior and Appellate Court and if the NJ Supreme Court refuses to hear it I will move it to the Federal Courts. He felt you (*council*) should really consider this because I am not going to be apathetic or take a violation of my rights laying down and there is no way you could explain this away then grab for police power over an individual with undue process. Furthermore, speaking of LeadsOnline (*the ordinance*), that system grants the police the ability to do unwarranted searches and to seize goods. LeadsOnLine is made according to due process, if the police were to have an item of jewelry stolen, they could list that into the system and if it has been logged into a system it will turn up. That is where the police authority and power ends, they are looking for an item which is due process or looking for a perpetrator which is due process. LeadsOnline allows the police to do things that are unconstitutional at their will. This council could not pass a law/ordinance because I told you that most people that steal stuff are between eighteen (18) and twenty-eight (28) years old as they are a problem group. This council admits that they could not pass an ordinance putting an age limit because it is discriminatory. Yet, with Rapid System the police can do a search of everyone born on a certain date that is eighteen years old and it will pop up. They could do a search on anybody in Williamstown that sold something in Delaware and also could do a search on anybody that sold \$50.00 to \$100.00 and it will come up. This allows them a fishing net, it is undue process, and it is not due process of law. Mr. Fera then noted that of the two lousy systems, which I will oppose both of them if this is passed. Rapid Systems is unconstitutional, it gives the police too much authority to use at their discretion which will trample the rights of everyone and which this town council admits they have no authority to put it into law that I must log in anybody say from 18 to 25, yet they can search 18 to 25. That couldn't be done with LeadsOnLine they

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C.) PUBLIC PORTION (cont'd)

can only search for stolen merchandise which is the intent of the ordinance to recover stolen merchandise and this is constitutional. Mr. Fera urged council to read this ordinance over and consider the points he was making.

Cncl. Vice-President, Miller responded to Mr. Fera noting that we had this discussion and met many times before and thought we had reached a modest compromise because we did in fact take a look at a lot of your considerations and we did change a lot of the requirements in terms of the fee schedule, being able to pay in cash and a minimum threshold. The criminal background check was another issue which Mr. Fera had a concern with and we changed the wording in that as well. In terms of the weight/ounce/size we made it easier. At that time Cncl. DiLucia explained what was said, that if it was such a numerical burden that the police could be called to take a look at it. He continued, and noted that you (Cncl. Miller) are absolutely correct. Mr. Fera had an attorney represent him and that attorney sent us communications and they are memorialized and he outlined what he thought were the outstanding issues. At the next to last meeting that Cncl. DiLucia chaired he said, is this "a what else" argument? Meaning is there no end to this or are there specific things to be addressed that would satisfy the jewelers. I was told, yes. There was a meeting, people got together, there were issues highlighted and we reacted to those issues. In fact, one of the biggest issues was that this township agreed to pay for the system, which was a big concession on our part. We did this in the spirit of trying to reach a compromise on what we truly believe to be the areas of dispute and differences. Cncl. DiLucia then noted that perhaps he was right in his initial assessment that this is "a what else" argument. Because I think I am hearing issues raised today that I have never heard before. I am not a constitutional expert, I would yield to our solicitor on those issues. There is an ordinance before us (council) and I think we did an honest and fair assessment of this ordinance. It is designed to protect the residents of not only Monroe but any other township that unfortunately has something stolen from them. Cncl. DiLucia felt that we tried to be sensitive to the merchants, which I notice all the merchants, except for one, are not here tonight. I think this indicates that they agree with the final draft. It was the committee's recommendation that this ordinance go forward as it is drafted today and I again reiterate that we have completed work on this ordinance, unless the solicitor tells this council that he believes we are in violation of law under this ordinance I would suggest that we go forward with it.

Mark Fera then noted I agree there were minor concessions like the threshold of how much cash I pay somebody but the only problem with that is any other dealer in the state could pay as much in cash as they want. So it arbitrarily puts me at a disadvantage to other dealers in the state specifically because I have been advertising "cash for gold" since 1979 so a \$200.00 limit is not within your jurisdiction. Money is federally controlled by the Federal Reserve and reporting systems to the IRS. The bill says this note is legal tender for all debts public and private. If I buy a \$1,000.00 watch from someone and they want cash it is just ridiculous that I would have to say well I can only give you \$200.00 in cash and a \$800.00 check. Mr. Fera continued saying there was some minor compromises but they weren't enough. As far as the Rapid System I have talked with many dealers under it currently and

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**C.) PUBLIC PORTION (cont'd)**

the system is a piece of crap. It actually crashed when they demonstrated it for this council and it crashed when they demonstrated it for me to the police department. I talked to a fellow at Traders Lane in Washington Township that has a place in PA under LeadsOnline and uses Rapid in Washington Township, he says they have no problem with LeadsOnline whatsoever, uploading is a breeze but Rapid Systems constantly crashes and it times out. The time out is ten (10) minutes if I buy a lot with 30 pieces of jewelry I will literally have to sit there every nine (9) minutes and send over what I have uploaded to that point. Then re-enter all their information over and over again which is time-consuming. With LeadsOnline that is not an issue, it could take you an hour and a half to upload stuff and that system stays on-line, you can press a button and it goes over. I also spoke with another fellow, We Buy Gold, in Cherry Hill and he is on his third computer in two years. The only way that Rapid works is they said you have to take down fire walls, etc. etc. He takes down fire walls, he keeps getting viruses and his computers go bad. He also spoke on other dealers he has contacted in the area. So if you are going to give me a tool at least don't give me a broken tool. Now, the cost was \$3,000.00 to the township and I'll reiterate what was told to me when I said it will take me hundreds of hours to upload stuff that maybe you will recover a little ring worth a dollar (*sentimental value*). So the township could look at it that way, they are investing \$3,000.00 a year but they will make people happy and it will take the burden off the police department rather than putting all the burden on me, which would basically force me to hire a second employee at \$10,000 to \$15,000 a year. Mr. Fera went on to say the issues are not resolved and your compromise did not go nearly far enough.

**Cncl. DiLucia** noted he felt if you read the record back what I believe I heard was, I won't accept any system. Mr. Fera responded, right now, right. **Cncl. DiLucia** felt it should be on the record that no matter what system we would have chosen there would have been opposition.

**Jack Simmermon - A Jack's Towing** advised council that he has about twenty-five (25) cars that were towed in on police tows at his location and he does not have titles for them because the people never came back to pick up their vehicles. I did give Officer Burton some paperwork to try and send some letters out and he hasn't received any type of notice from him. He questioned the possibility of holding an auction. Mr. Fiore advised he would contact Sgt. Burton and request the status of this and have someone get back to Mr. Simmermon.

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

**D.) NEW BUSINESS**

**Cncl. Bryson** advised of an article on something called "*zombie foreclosures*" which appeared in the newspaper. He feels the municipality needs to go further and they should send a strong message to Trenton in the form of a statewide resolution to finally have our

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**D.) NEW BUSINESS (cont'd)**

legislators address the real issue behind all the foreclosures. The issue being the high real estate taxes in New Jersey which are the highest in the United States and possibly include some suggestions on tax reform within the resolution. Cncl. Bryson noted he made a few suggestions about two years ago, close to ten of them and still no response. He also spoke of something called Jersey Flight and he felt in the near future we should be addressing this issue. He will be making a report on this at the regular council meeting. He added we addressed the first side of this, we did and also the state did through legislation. He stressed we still need to do something about the real cost and requested that sometime in the near future we sit down and we write a resolution that we submit to every municipality in the state with recommendations. Cncl. Bryson then questioned something relative to what we did on council approximately four to five years ago, that being we agreed to go into a "pilot program" with the county for tax assessment. We no longer have a tax assessor's office in the township we use the county office. However, in our latest legislative bulletin it noted a Bill S-2908 and what that deals with is refining the process of real property assessment in certain counties. The NJLOM response to that was "*The Gloucester County Pilot program and the Monmouth County Pilot program should finish before changes are made to the program*". Cncl. Bryson advised that we were told that the program is now in effect, forever. However, the legislative bulletin says that it basically is not. What he requested was to receive clarification as to where this stands.

Cncl. Dilks posed a question to Mr. Heydel regarding a date being set, in the near future, for an auction to be conducted at the public works garage. Mr. Heydel replied that we are attempting to target a date sometime in September. We would be bringing in a third party auctioneer as we were very successful the last time we did this and made some pretty decent money. The notice for the auction will be advertised when a definite date has been set.

**E.) OLD BUSINESS**

Cncl. DiLucia referred to the tax bill that was just mailed out to the residents and noted there was nothing included in the mailing concerning the percentage increase for each entity (*municipal, county, school*). Mr. Heydel advised the increase was 3%. Cncl. DiLucia noted that people would like to know what the figure is, there are people who can't figure it out. He really felt there should have been something on that bill that said what the percentage increase was, speaking of both the blended increase as well as the municipal increase. He felt it was important that people know the municipal increase was 2.5% because the blended rate was more (*if someone could figure it out*). Mr. Heydel responded that we (*township*) hadn't done this in the last few years, since 2011. Cncl. DiLucia felt that, at a minimum, we should have this posted on our website as this is important for the residents to know. He went on to speak on the communication noting that it made it appear as if the reason for the tax increase was the hiring of the police officers and that is misleading because we haven't paid a penny for any additional police officers because (*to date*) they are not in school. That was an issue discussed earlier and that is the reason why we took the

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**E.) OLD BUSINESS (cont'd)**

\$100,000.00 out of the budget. So the additional police officers are not the reason for the increase and it is misleading. Cncl. DiLucia clarified that he was not saying it was deliberately misleading, but it is misleading in that it makes it appear as if the police are the reason for the increase and that is not the reason. In fact, if the police go into the academy in September you are talking about a fraction of the dollars that would be attributable to anything. If 1% is equal to \$250,000.00, I don't think we could be talking more than about \$60,000.00 if they go into the academy in September. Mr. Heydel noted he did not think the letter was meant to say the cause of the increase. I think it was to get out a message on our public safety more so than this is the effect of our tax increase. Cncl. DiLucia noted he can only read English and the way he reads English the only thing included in that letter was the hiring of police officers and communications through a web page, so most people, because many of them have come to me, are asking why are we hiring police officers and why are we getting a tax increase because we are hiring more police officers. I have been advising them that is not the reason taxes went up, the reason is because there was an overall need for money. Cncl. DiLucia reiterated that it is misleading and he felt it will cause some problems for us, and felt perhaps we could correct that.

**Engineer, Chris Rehmann** spoke on a problem located at Cornus Court in Hunter Woods regarding the grading and the lack of maintenance on a specific property. He displayed a grading plan of the area in question where they show the proposed homes. After the house is constructed we get what is called an as-built survey and we check this in relationship to the proposed plans. He noted on the as-built survey they show a swale running along the property lines associated between the Jenkins property and the Paparone Home in that location. Mr. Rehmann continued and noted unfortunately the front part from the back of the house forward is all sodded and some of the back. They don't change the grades that were there before they built the house and some of that water is going to go down like *(he then pointed in a direction)*. He then noted on June 25<sup>th</sup> he went out to the location and walked the area *(pictures taken)* pointing out the swale, adding as you can see there was water running over the sidewalk, the drain and some of that water carries with it some soils. As we said, the rear yard is hydro-seeded in the back and there is sod as well. He mentioned a pool being there but did not think the pool was causing any problem but it appears as though that water will bend around *(inaudible)*. There is an awful lot of water on their sod obviously to keep it from dying and if you walk down the street *(pointing out vacant lots in area)* if you walk east of the Jenkins home there is water running over the sidewalk and that is generally the way these homes are drained. Mr. Rehmann noted that he did not think there was a violation to anything they have done, there is soil erosion fencing up and there is some dirt in the street, no question about that. There is a low point there but they do have a soil erosion permit from what he understood. Kathryn Cornforth, ARH replied yes they do have one now. Ms. Cornforth noted she thought it was a combination of multiple people complaining about the issue adding that our office was copied on all the SCD correspondence *(Soil Conservation District)* as township engineer. At one point they told Paparone to stop working until they filed for their permit. To date they do have the required permit and they

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**E.) OLD BUSINESS** *(cont'd)*

also have approval. Mr. Rehmann explained according to the SCD regulations they are paid a fee and part of that fee is for them to inspect. If we are called out all we can do is make a call to Soil Conservation and request they please inspect. At this point, I am not sure there is any violation, yet. Mr. Rehmann responded to several questions and explained this is a natural solution in the sense that a swale along the property line is a normal way of draining one lot and the other lot to the street, adding the Paparone home is higher than the Jenkins home and I just wanted everyone to be aware of what we saw. **Cncl. Dilks** posed a question on the as-built plan and if it is graded/working per the plan. Mr. Rehmann responded the as-built we got says it is. Now we don't go out and redo the as-built plan, the township doesn't want to pay for that and frankly you shouldn't have to. The surveyor who did the as-built plan is the one responsible for its accuracy. **Cncl. Heffner** noted he has been out at the location twice while it was raining and the only swale between those two properties is on Mrs. Jenkins property, the problem is the new house that was built they sloped right at the property line and with her (*Jenkins*) being lower that is collecting all the water. The swale is her property and I could see exactly what it is doing, it is draining off their (*Paparone*) property onto hers, there is no swale, the swale is her property. The swale is located at almost the fence line. Mr. Rehmann referred to the as-built survey and it is saying there is a grade down along that swale. Discussion continued and Mr. Rehmann advised it is supposed to be graded according to SCD standards and according to the as-built they submitted. Kathryn Cornforth added that we rely on the survey that comes from, in this case Paparone, who hires a professional surveyor to do the work. **Deputy Mayor, Andy Potopchuk** reported that he and Mr. Reitz along with Cncl. McIlvaine went to look at the location and we did see at the driveway where the swale is undermining the concrete going down the driveway and bleeding through the joints of the concrete. He added the lawn was really, really wet just saturated with all the dirt running down past her soot fence, down the driveway.

**Engineer, Chris Rehmann** questioned if it would be council's/mayor direction that you want us to inform Paparone that something has to be done to improve the conditions. **Cncl. McIlvaine** reiterated that he agreed with Cncl. Heffner, he saw it as well. The Jenkins property does pitch some but their (*Paparone*) property drops off quickly and basically runs on to hers and then down, it is not like it meets in the middle then runs off, it is running off of her property. He felt the majority of the discoloration that is seen on her sidewalks is from her watering. We walked the other side of her house as well and the grass is just soaking wet. He questioned if Mr. Rehmann could speak to Paparone to see if he can perhaps not have such a severe drop off onto her (*Jenkins*) property. Mr. Rehmann responded, the house is there now, the only thing to do is take the roof drains and pipe them out to the street that would eliminate a lot of the impervious cover on that side. **Cncl. Bryson** questioned if the area is as wet as being represented are there regulations in the state of New Jersey, as there are in other states, where during a rain storm you have to put sensors on your sprinkler system. Mr. Rehmann indicated that the Municipal Utilities Authority have to adopt water conservation programs and that is where it would come from.

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**Mayor Teefy** then noted that his office did have a conversation with Mr. Papparone and he said they were going to out there, he then questioned if anyone had a response on that. Kathryn Cornforth replied she had not heard from Papparone however she was not in attendance at the meeting, she will check on this to see if there was a response. Mr. Rehmann replied if you like me to I will speak with Mr. Papparone advising him there is an issue that the council is concerned about and they all agree that you are dumping water on your neighbor's property. **Mayor Teefy** requested that Mr. Rehmann reach out to him. At that time further discussion took place.

**Cncl. Bryson** requested the status of the traffic enforcement within the Carriage Glen development. **Director of Public Safety, Jim Smart** indicated that Sgt. Burton did a detailed report on that, he will forward the report via email.

F.) **COMMITTEE REPORTS** - None

G.) **QUESTIONS REGARDING RESOLUTIONS SCHEDULED**

**Cncl. DiLucia** posed a question on *Resolution R:116-2015 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Purchase Of Two (2) New ODB (Old Dominion Brush) Trailer Mounted Vacuum Debris Collectors Model SCL800TM25 Under The National Joint Powers Alliance*. He seemed to remember that when we entered into the Shared Service agreement with Franklin Township one of the things we were told was that we would be doing leaf collection for them and as he understands they do not have any leaf machines. **Mr. Heydel** advised they have not yet purchased any leaf machine. **Cncl. Miller** then noted they are in the process of purchasing leaf machines and I know the original agreement was that all the municipalities around us (*Franklin, Washington & Monroe*) were supposed to enter into a coop agreement that would allow us to have joint purchasing power. The two types of vehicles that we wanted had to be equipped with a certain type engine so rather than go out to bid with Franklin it would save us more money to join the National Joint Powers Alliance and this is being done via the resolution scheduled immediately prior to the one as referenced above, it is on the formal agenda under **R:115-2015 Resolution Of The Township Council Of The Township Of Monroe Authorizing The Township Of Monroe To Join The National Joint Powers Alliance**. **Cncl. DiLucia** stated he did not have a problem with purchasing the vehicle, what my problem is that an article appeared in a newspaper stating that the reason Franklin Township was able to hold their taxes to zero was because of their cooperation with us. Now they are at zero, we are at 3% with the municipality being at 2.5% and I am not going to vote for a \$90,000.00 expenditure if we are going to do their leaf pick-up and then they're not going to have a leaf machine. **Mr. Heydel** explained that is not the case, it is that originally **Director of Public Works, Bob Avis** got together with both Washington and Franklin Townships. Franklin wanted to buy leafers and Mr. Avis went to Washington Township and asked them and they also wanted to buy leafers as well as us. We all wanted to buy two (2) a piece and Bob was able to go out and found a leafer company that is under a national co-op for pricing. We were going to all join together in an *Interlocal Services Agreement* to purchase six (6) vehicles. One township

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

would have had to take the lead and that would have been us. In order for us to do so, it is not as simple as creating an agreement between the three of us. What had to be done is that we would have had to establish a purchasing co-op which meant that council (*Monroe*) would pass a resolution saying that we are the lead agency and their two councils would say they would be joining said agency for us to go out through the co-op for purchases. The problem with that is we would have to apply to the state to be a purchasing co-op. Mr. Heydel continued and advised that would have taken approximately 45 days in order to send it up to the state and get approval. We pulled out of the plan and now we are joining this National Joint Powers Alliance by ourselves and going out to purchase these vehicles for us. Washington Township is going to purchase their own leafers and Franklin is going to purchase their own leafers. The comment they made in the paper about keeping their tax increase at zero is because they are saving money by not buying leafers is bogus. **Cncl. DiLucia** noted he did not say that, he said the reason why they are at zero is because they got a good deal with the services we are sharing. Again he noted my issue is this: I don't mind the shared services, I voted for them. However, when you can't do anything and you don't have machines to do it, that means as long as they don't have the machines, we have to do it, this creates wear and tear on our machines and I don't know what benefit we derive in a shared service where they have nothing to share. Mr. Heydel advised they are not borrowing our machines, they borrowed them this year because (*inaudible*). **Cncl. DiLucia** then noted, I guess my question is, when are they going to order them and will they have them timely? **Director of Public Works, Bob Avis** responded yes, I talked to the Director in Franklin Township today and allegedly they ordered their machines on Friday, so they are ordered and there is at least 120 days before you will see a machine. **Cncl. DiLucia** then added in the six or seven years since I have been on council, normally in the work sessions stuff like this was placed on the agenda and the matter was discussed and we knew what was happening and why. I can tell you from the beginning of the year there have been resolutions coming to us at the last minute without us having an opportunity to get any background on them. This is something that should have been discussed and put on the table prior at a work session so that we knew what was happening in Franklin Township regarding the leaf machine.

**Cncl. DiLucia** then referred to **R:124-2015 Resolution Of The Township Council Of The Township Of Monroe Authorizing An Independent Investigation Of The Monroe Municipal Utilities Authority's Financial And Procedure Operations** which he just received at 4:00PM. He questioned if we are going to commission an investigation, what is the origin of the investigation? What is it that triggered this investigation? It appears to me that the resolution alludes to a financial and operational investigation by an unbiased third party. **Cncl. DiLucia** continued saying he had no problem with an investigation, but what is the smoking gun? **Cncl. Miller** responded, recently there was an issue in terms of they hadn't raised their rates in the past eight years, they raised the rates and the increase was about a 55% increase. The residents came to us addressing their concerns and there were issues with their billing. They started a new billing cycle or a new fee structure that was supposed to take effect in July. What they were doing was with July's rate, July's effective rate was being charged to them for May. **Cncl. DiLucia** questioned the 55% and where did that come from. **Cncl. Miller** noted it was about a 55% increase on what they were paying in terms of their

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water usage. Cncl. DiLucia noted the increase was \$6.00 and discussion took place on the figures.

**Mayor Teefy** then noted that the sewer rate went up 7% from \$36.37 to \$38.92, the water went from \$16.50 to \$18.70 up 13.3% and that is on the base for 3,500 gallons. The one that everybody keeps pointing out is where everybody kind of falls into because once you go over 3500 gallons you fall into the per one thousand gallon which went from \$4.00 to \$6.20 and that is a 55% increase and that is up to 10,000 gallons being allocated. Once you hit 10,000 gallons you move into the next tier which went from \$5.00 to \$7.20 which is a 44% increase. If you go over 20,000 gallons you fall into what was \$6.00 to \$8.20 which is a 36% increase. Over 30,000 gallons where it was \$7.00 it went to \$9.20 which is a 31% increase. The rate of increase on the tiers is a 41.5% increase.

**Cncl. DiLucia** noted his real question was, what precipitated this? What is the thing that we are investigating? I don't understand this, I got a thing in the mail from them that tends to explain that there was an overcharge, a re-adjusted bill. **Cncl. Miller** then noted we had the overcharge and then we had the usage issue, some people went from 10,000 gallons to 55,000 gallons of water and this just wasn't one individual. We had multiple people that had contacted us saying that their water usage is nowhere near where it should be. **Cncl. DiLucia** questioned if that had been adjusted. **Mayor Teefy** noted we haven't heard anything on the adjustment, they felt at the meeting that it was on an individual basis and by the time 8 or 9 people were complaining and the crowd was starting to yell out they felt there was something going on with the excess usage and the meter readings they were getting. They were going to look into it and we haven't heard anything back yet. **Mayor Teefy** then advised we met with them that night, I spoke with Mr. Moore a couple times on the rate increase and they gave this, that May was very hot, 18 days with no rain, people were filling pools, sprinkler systems were going or they had a leak. This was the standard answer from the MUA. People attending the meeting were saying I don't have a pool, I don't have a sprinkler system and I went from 7,000 gallons to 32,000 gallons. The mayor noted the MUA was going to look into this and we haven't heard back. **Cncl. Bryson** noted an investigation is a big thing and before you do that you on the administrative side for the town should meet with them and try to work it out, try to see what it was that caused the problem because if there were several people that had a higher water usage, I am an electronics guy I am in instrumentation and flow meters, if you have 50 to 100 people that have a higher bill the chances are that the flow meter is probably correct. There are things we should look at before we begin an investigation. The mayor advised that a lot of people did look at their bills and their usage and it was scattered and that is what everyone started to question the scattering of the bills. **Cncl. Bryson** noted mistakes could be made with entering things; that can happen. **Cncl. DiLucia** added that he did not have a problem with people who have issues to find out how, but this council is going to commission an investigation dealing with financial and operational things, I mean what are we on, a witch hunt? **Cncl. Miller** noted the residents have asked us to look into the issue and this is how we feel is the best way. **Cncl. DiLucia** then suggested, why don't you sit down and have them show you where the areas of contention are and have them explain what they think the reasons are. I've had this myself, in situations where I got a bill, not in this town, where I thought was way over what

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I thought it was and I questioned it on an individual basis. We are going to commission an investigation dealing with financial issues, because this is what the resolution says? I'll tell you the truth I don't have a problem getting to the bottom of this for the residents but I do have a problem that I'm going to agree to commission an investigation to deal with finances. Now, if somebody in this room feels there is a financial issue they want to know about on the MUA they ought to stand up and say so, and tell us what their reasons/suspensions are and put it on the table. **Cncl. Bryson** noted when you do an investigation how impartial is that, where does the investigator come from? He then suggested, since this relates to finances and the procedure of systems, I feel the person or people who are most capable of coming back with the answers would be our accountant, Nick Petroni and their accountant. Have our accountant go over and look at their books and have him come back and give us an impartial (*inaudible*) because he is impartial by law, before we start anything crazy like this. **Mayor Teefy** then advised as to the position he was in. We have hundreds of residents complaining and we just can't sit back and have conversations with them, from what we hear they calibrate their own meters, they don't send those out to be calibrated. **Cncl. Bryson** noted if they have the instruments to do it that is fine. Mayor Teefy then noted that's fine but you are still calibrating your own meters other companies have independent people calibrate their meters, that's probably what they should have so there validated. We want people to come in and look at that end of it. On the financial end Nick is associated with us, the Bowman Group is associated with the MUA, rather have someone independently come in to look that has no bearing at all (*inaudible*). The mayor went on to say there are a couple of different companies that do this. **Cncl. Bryson** noted that personally he believes that it should with our guys because both of them know our system and both of them know this. If you want to go out and get somebody to check the calibration of the instrumentation then you have to know somebody as to who does it. **Mayor Teefy** then noted, in the meeting, they mentioned a software glitch and they also said that the storm may have caused the problem. **Cncl. Bryson** said basically what he is saying is that it is a pretty harsh thing to ask for an investigation before you actually explore all of the (*inaudible*) that you would normally explore as/in an administrator. That is my only concern, if you want to do it, do it. **Cncl. DiLucia** noted it appears to be two issues here, one is the increase and one is the billing. The billing appears to be an administrative function that we could easily get an answer to and if we are not satisfied with individual answers we could go further. The issue of the increase, as I understand it, the public could have done the same thing they do with our budget that is to come and address it. It was a \$6.00 increase and the water hadn't been raised in 6 or 7 years and now it is necessary, financially. The thing that I want is for somebody to tell me what it is we are looking for. I want to know exactly what it is that we are going to have an investigation on. I understand the people that got overbilled or that think they got overbilled. **Cncl. Miller** noted financial and operational. **Cncl. DiLucia** questioned what financial meant. **Cncl. Miller** responded, financial looking into the billing. **Mayor Teefy** indicated you want to look into the billing practices that go on, why the rate increase was there, how they handle their day to day, etc. **Cncl. DiLucia** said, you mean we are going to ask them why they raised their water rate. The response was yes. There was discussion back and forth with **Mayor Teefy** then questioning, how much surplus do they have. **Cncl. DiLucia** responded, I have no idea. If that is the issue that they have a surplus, so do we. Mr. Heydel advised that we have a surplus balance of \$500,000.00.

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**Cncl. DiLucia** questioned if we ever had more than that Mr. Heydel noted we were up to \$1 million or so at one time. There were several people speaking at once on the surplus amount, etc. **Cncl. DiLucia** said he was not defending them because I'm not on their board and I don't know what their financial situation is but if there is an issue or somebody here thinks that they are overcharging or the rate increase wasn't warranted because they have an excess of money than they ought to say that. I am not going to agree to a resolution that says we are just going to find out about people who are overbilled, when that is not the real issue. What we are really looking for is a pot of gold. Mr. Heydel noted that this is really out of his realm but from what I have learned they have a \$5 million surplus, there is an agreement between the township and the MUA, with a clause from 1960 modified again 1986 and again in 1987 that says after they pay all their bills and so on that they are supposed to give the township 25% of whatever they made for that year. What they have done is to say well we don't make anything because we take all of our surplus balance and put it into capital. Since 1987 that's what they did and it says *unless the township waives that*. Mr. Heydel continued and if you do the calculation for the last ten years it comes to about \$2 million dollars. The township never waived that, they are sitting with a \$5 million dollar surplus, they say they are using it for capital improvements but the capital budget for 2016 is \$260,000.00. They have never used their surplus to support their budget, we do every year we have to take a portion of our surplus to balance our budget, and they have never done that. So that is maybe one of the reasons why we want to look at, how come the township is not getting their 25%. They are sitting on a \$5 million dollar surplus and the township is scrounging with a surplus balance of \$500,000.00. **Cncl. DiLucia** noted wouldn't we be better served just to communicate with them that we want money. **Mr. Heydel** indicated that he could not answer that question. **Cncl. DiLucia** again noted if somebody thinks that they owe us money then send them a letter.

**Solicitor Charles Fiore** advised that under statute council does have the authority to move forward with this, a legislative inquiry of any type of governmental agency and the MMUA would qualify as a governmental agency. He continued and advised what brought this to the forefront was a discussion and I think the mayor touched upon the explanation that was given at the meeting was there was a computer glitch caused by the storm. Mr. Fiore felt that people came to the MUA meeting for answers and were not satisfied with the answers and I was kind of shocked by that answer. Beyond that there has been no explanation as to why this issue occurred. **Cncl. DiLucia** noted wouldn't it be better if we just called them and said we want them to sit down and have their representatives come and sit across the table and explain the answers. Mr. Fiore either way it is an option. **Cncl. DiLucia** said that he would prefer that we do it that way. **Cncl. Bryson** noted I am a little suspicious as to what is going on. The honorable thing to do here, especially if it has to do with someone who is not present, which is the MUA, what should have been done before you brought this to council was to bring a representative of the MUA who could answer these questions. I am appalled, and again the honorable thing to do would be if you are going to choose somebody, and that is just exactly what you did, you accused them of doing something wrong. My personal opinion here is I would like to table this until we get the proper information. **Cncl. Miller** noted that he was for moving this forward. **Cncl. McIlvaine** noted he had no problem with bringing someone here, if you want to bring someone here to

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answer questions. **Cncl. Miller** advised that the resolution has been scheduled on the regular council meeting agenda.

**Cncl. DiLucia** then made a motion to bring in a representative or representatives and ask them the questions before council. **Cncl. Miller** comment was (*inaudible*). **Cncl. DiLucia** then elaborated, that rather than go through the ordinance to conduct the investigation with an unbiased third party before that we meet with representatives of the MUA. **Cncl. Miller** advised that Dan and I have both been in contact with the Utilities Authority. **Cncl. DiLucia** indicated that what you are saying is, you don't want to do it.

**Cncl. Dilks** noted that as council, the mayor and administration we should listen to all the concerns. **Cncl. Dilks** added that he did not have a problem sending this forward, the problem I have is if they don't have anything to hide, what is the problem. But if there is something there let's sit down and talk first, if we don't get the right answers then we move forward. **Cncl. Heffner** noted that he would rather see the resolution move forward and then have a meeting. You can always stop the process. Right now you are not obligated to do anything, you can move it forward you do not have to go anywhere with the resolution. Then set up your meeting and if they don't want to meet or if we don't like the answer we are moving forward, we are not going to wait another month to deal with it. If you want to move the process that is how you do it. **Cncl. Miller** advised we won't have another meeting until the end of August and the residents will still be asking what is the township doing in terms of trying to resolve the issue. **Cncl. Dilks** replied, we always called special meetings before, there is no reason why we couldn't now. Give them the opportunity to come forward to sit down and talk, then at the end if you don't like the answers then we go forward. That is the right way to do it. **Cncl. Miller** noted he still wished to have the resolution on the agenda for a vote. The solicitor advised you can vote on it on the floor and take whatever action at that time. **Cncl. Heffner** questioned we are stating in the resolution, a third party? The response was yes. He then questioned why can't we just go with a committee like we do with everything else. The solicitor explained, you can do that under the statute you have the ability to create a committee (*investigative committee*) to discuss MUA issues. **Cncl. Miller** indicated we can do that, but I still would like the resolution to move forward. There was a discussion on the ability to table a resolution. It was then noted that Resolution R:124-2015 was scheduled on the regular council meeting agenda for approval.

**H.) QUESTIONS REGARDING ORDINANCE SCHEDULED - None**

**I.) ADJOURNMENT**

With nothing further for discussion, **Cncl. Heffner** made a motion to adjourn the Council Work Session of July 27, 2015. The motion was seconded by **Cncl. McIlvaine** and was unanimously approved by all members of Council in attendance.

