

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. Pres., Marvin Dilks led the assembly in the Pledge of Allegiance 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. Ron Garbowski	Present
Cncl. Daniel Teefy	Present
Ord. Chairman, William Sebastian	Present
Business Administrator, Kevin Heydel	Present
Solicitor, Charles Fiore	Present
Deputy Clerk, Sharon Wright	Present

B.) APPROVAL OF MINUTES

Cncl. Ronald Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of November 2, 2011. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

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

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW

- **Salary Ordinance**

Cncl. William Sebastian noted the Business Administrator has provided a salary ordinance with the proposed changes highlighted. The ordinance increases the Municipal Clerk's top range to \$68,200.00, a range for the CFO of \$61,000 to \$112,300.00, a range for the Personnel Assistant/Claims Coordinator of \$35,000.00 to \$55,000.00 and the Human Resource Officer of \$42,000 to \$69,300.00. Solicitor Fiore referred to his opinion letter regarding N.J.S.A. 40A:9-165 and noted this statute dealing with the compensation paid to the Tax Assessor, Tax Collector, CFO and Municipal Clerk is pretty straight forward. Generally those positions were never part of any collective bargaining unit, as they are protected under individual statutes that set forth the procedure for appointments, the terms of office, tenure procedures and removal procedures. This statute was put into place so that they were equally treated as all other employees with respect to reductions, raises, etc. Over the past few years the law has been misinterpreted, as many people are under the impression that whenever a percentage increase is given to an employee the same percentage must be given to these four protected classes. However, the Statute does not specifically say that a percentage must be given. It does say "No such ordinance shall reduce the salary of, or deny without good cause an increase in salary given to all other municipal officers and employees to, any tax assessor, chief financial officer, tax collector or municipal clerk,,," which basically means that we are required to be equitable. A 1% raise cannot be given to one person while the others are told they will not be getting a raise, as they must be treated equally across the board. It does not mean that if the Clerk gets a 5% raise that the Tax Collector will also get that 5% increase. He noted that could create legal problems, so we must be fair, equitable, just and we must with good cause justify why an individual is or isn't getting a raise. Cncl. Frank Caligiuri distributed sample salary ordinances from five surrounding municipalities and noted the average municipal clerk salary is \$75,274.00, which is about \$7,000.00 more than our Clerk currently makes. He noted in this particular case, even though it may not be relevant, the Clerk had to give up 900 hours of comp time without any compensation at all. Cncl. Sebastian questioned Mr. Fiore on whether the Statute requires the raises to be the same amount of money since it does not address percentages. Mr. Fiore replied no. Salaries should be based upon what the job entails along with years of service. He suggested analyzing fair salaries on a case by case basis by using Cncl. Caligiuri's analysis of comparing what other municipal clerks and tax collectors in comparable municipalities with comparable duties are making. Council discussed the CFO's employment agreement. Mr. Heydel explained the intent of that agreement was to give the CFO the highest percentage negotiated by a union or association, it was not to pick out a specific person under any specific instance and it does not reference the State Statute. Mr. Fiore felt the proper and objective way to establish a range for the municipal clerk would be to compare the salary to other municipal clerks. Once the range is established it will be up to the Mayor to put the clerk in that range. Cncl. Sebastian noted the top of the proposed range is \$68,200.00 but the Mayor does not have to give her that even if Council feels she deserves it. He questioned whether Council could establish a range of \$68,200.00 to \$70,000.00 since history shows the Mayor did not pay the CFO what he was supposed to be paid according to his contract. Mr. Fiore advised the Mayor would have to pay her within the range and suggested Council lay out what and why the range was established, why a specific number within that range should be paid and why they feel that

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

person should be paid that amount of money. Cncl. DiLucia requested Mr. Fiore to clarify his statements regarding whether Council should view their obligation by comparing the job to those in other municipalities; not by just confining it to our municipality. Mr. Fiore replied yes, because that is the only way you can set the bar. Duties in Washington Township and Deptford are similar but could be a little different if for instance those municipalities only have one employee in the Clerk's Office while ours has four. Cncl. DiLucia questioned whether Mr. Fiore was saying that in his opinion this does not necessitate employees in one of these statutory jobs to receive a salary based upon what someone else received. Mr. Fiore responded that is correct, the proper rational analysis that will withstand any court review will be based upon job duties. Cncl. DiLucia noted a job comparison could apply to any job, not just statutory positions. Mr. Fiore noted our form of government has checks and balances; Council sets parameters, the BA can make recommendations but ultimately the Mayor is the one who makes the decision. Cncl. Sebastian noted he has a problem with setting a range that has a \$28,000.00 difference and the Mayor deciding whether he wants to pay the higher or lower end. He felt if the parameters of the range were changed to \$68,000.00 up to \$75,000.00 the mayor is obligated to pay the range Council is expecting the Clerk or Personnel Assistant to get. He questioned why Council was going through all this for the clerk and trying to create a proper job description for the personnel assistant if the Mayor is not going to follow the pricing Council wants. Cncl. Caligiuri noted once Council establishes a range of \$50,000.00 to \$75,200, which is the upper limit average of the five surrounding towns, it is out of Council's hands and the Clerk will need to impress upon the Mayor that her position warrants additional money. Cncl. Sebastian spoke of how the BA is always saying when the range is increased too much people think they should be paid that amount of money and he suggested the range be increased just 2% higher than the \$68,200.00. Mr. Heydel explained the bottom ranges are never adjusted and are meaningless. He explained how he tried to scale the Personnel Assistant and Human Resource Officer ranges so they would be equitable to each one of those positions. He noted the bottom of the Personnel Assistant range is low at \$25,000.00 and should be around \$28,000.00 to \$30,000.00. He noted she is currently making just less than \$44,000.00. Mr. Heydel noted it is difficult to compare positions such as the municipal clerk to those in other towns because all towns are not the same. Some townships may have two or three people in the office as opposed to four or the office may perform Vital Statistic duties like the Washington Township clerk. She earns \$75,000.00, does not have a deputy, does not get a \$3,100.00 stipend or meeting pay of \$1,600.00 a year, plus, her workload is increased from the JFK hospital, as she must prepare all their birth certificates. Cncl. Bryson questioned whether our Clerk was close to the bottom or top of the proposed range of \$40,000.00 to \$68,000.00. Mr. Heydel advised she is at \$62,400.00, plus she gets a search officer stipend of \$3,180.00 and \$1,600.00 for attending meetings, which brings her salary close to \$67,000.00. Mr. Heydel noted stipends are additional money not included in the range. He felt the Clerk's search stipend should be eliminated, as they are for tax searches, which are done by the tax collector. The Deputy Clerk noted the Township Clerk performs municipal searches, which are different than the tax searches done by the Tax Collector. Mr. Heydel questioned how many she does each year; noting approximately 100 tax searches are done a year. The deputy did not have that information but did explain how municipal searches are done for property sales and remortgaging and because of the economy the number could be less this year than in past years.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

Cncl. Caligiuri spoke of how State Statute defines the duties and responsibilities of municipal clerk and how the salary range varies in municipalities from \$85,000.00 to \$65,000.00, which amounts to an average range of \$75,274.00. Council can legally justify establishing that since it is the average paid by municipalities within the area and then it will be the responsibility of the Mayor and BA to set the salary within that range. Cncl. Pres., Dilks questioned whether the stipends were included as part of that. Cncl. Caligiuri replied no, the stipends are not included in the proposed ordinance. Council questioned whether a salary increase given for this position would warrant one for the CFO position. It was explained this would be a salary adjustment, not a raise so it would not affect the CFO position. Cncl. Caligiuri noted once the range is established the employee must assume additional responsibilities to warrant that raise to her supervisor, which is the Mayor. He noted right now there is a salary limitation and no incentive for anyone to do anything because they are at an upper end salary that is set lower than everyone else. Cncl. Bryson questioned whether Mr. Heydel was planning to take away the \$3,180.00 stipend the clerk receives because if that is the case he would actually be cutting her pay by that amount of money. Mr. Heydel noted he does not have that authority do that but would like to see that money rolled into the overall salary, as stipends were established years ago for the extra jobs people were doing and over the course of the years stipends have gone away. Cncl. Bryson expressed his concerns that if the stipend is rolled into her salary plus she is given additional money that would affect the CFO contract, as a larger percentage increase than what he already received and he would be entitled to that as well. Cncl. Dan Teefy noted in listening to how the BA described the job duties of the other five or six municipalities it is difficult to say it should be what the average salary is. Cncl. Caligiuri explained State Statute has a fundamental description of a municipal clerk and that applies universally to all towns. A clerk may assume additional responsibility unique to the town but the definition of municipal clerk defines the minimum responsibilities for which the salary range is set. Whether this particular township clerk performs all those duties or not is up to the evaluation of the administrator that is paying her but the range should be about the same as it is in other towns. Cncl. Sebastian read a portion of the State Statute that says "*and performing other duties imposed by statute, ordinance or regulations*" and noted our ordinance gives a job description and basically requires the clerk to do anything else she is told to do. He noted ranges are a base and higher ranges may include other duties clerks are doing by ordinance or assignment. Cncl. DiLucia referred to the CFO's contract, which states "*annual increase in salary for the employee shall be equal to the highest percentage increase given to any collective or non-collective bargaining unit on a yearly basis*". He noted this contract does not require him to be given additional money when an individual receives an increase above 5%; it only applies to increases given to units of people, whether they are collective bargaining units or not. It has no bearing on what is given to individuals because some people at the top salary may get longevity increases that give more than 5% a year. Mr. Heydel advised longevity was eliminated for all but a few scattered people. He explained how he calculated future longevity dollars and bought out members of the Supervisor's Association in order to eliminate it. Mr. Heydel noted the municipal clerk is looking at salary ordinances from five different towns for her position and now other employees, such as the court administrator and inspectors will do the same and request increases. He noted employees in those positions formed a bargaining unit in 2003/2004 because certain people got raises that were not equitable. Cncl. Caligiuri noted the upper limit

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

is not indicative of what people will get or fight for; it is a salary range. He spoke of a business administrator who at one time used the same argument to get a 33% salary increase because his salary was out of range from salaries of other municipal business administrators. He noted when looking at the other town ordinances that particular business administrator is still out of range but he is closer to the average business administrator salary while the clerk is not. Mr. Heydel indicated it was not 33%. Cncl. Teefy noted Council establishes the range, the mayor makes the decision what to pay and he felt it would not be fair to the mayor if council tightened up the range to what they felt should be paid. He recommended the range be established so the mayor can make the decision. Cncl. Sebastian noted if council sets limits and the mayor does not want to increase the salaries to those limits he will re-address the ordinance because the mayor took away rights of future mayors by giving his employees on the third floor Civil Service titles so they would be protected. Now, the only position a new mayor can fill is the confidential secretary. He noted in this case if this body, that holds the purse strings feels that the salary should be a certain level it should not be restricted. The mayor should be given the opportunity to listen to council's thoughts and say what the salary should be and make that move but if he doesn't the ordinance will be recalled to move the range closer. Cncl. DiLucia noted this issue came up because of the agreement with the CFO and what the clerk is looking for in her position is equity. He noted the difference in what she receives and what she contends she should receive is the difference between 2% and 5% on an annualized basis and that amounts to 9%. He suggested establishing a range somewhat below her current salary to something above what she is currently making. If the Mayor elects not to give her an increase that would be an administrative decision and Council can chose or not chose to deal with it later. Cncl. Caligiuri explained the range must remain open for the future when a new clerk takes over that position. Cncl. DiLucia noted the salary ranges are antiquated numbers, as the bottom of the ranges have never been adjusted. The real idea of a salary range is to identify the minimum requirements of the job and the maximum requirements so that when people are hired they are placed somewhere in the range according to their skills, abilities, experience and education. The ranges in the current salary ordinance make no sense and Council can deal with them on an isolated basis or instruct the BA to do it right and prepare a total overhaul of the entire ordinance in case a position is vacated and a new employee is hired. Mr. Heydel noted some of the lower ranges have been changed over the course of the years but most have never been increased. Cncl. Sebastian suggested having wider ranges so the ordinance does not need to be addressed each year. Cncl. Caligiuri again spoke of the average salaries of municipal clerks in surrounding towns and noted our clerk's salary is well below that average and that may also be the case for other employees that are covered by collective bargaining agreements, Civil Service or not covered at all. He felt a thorough evaluation of the ranges should be done and the appropriate changes made. Cncl. Sebastian cautioned that increasing the upper limits may be saying money is available for the mayor to increase salaries to the top of the range. Cncl. Caligiuri explained the Budget Committee has the actual salaries for the calendar year and if the mayor chooses to increase a salary, money can be transferred from another account to cover that increase, therefore, the money does not necessarily have to be reserved in the budget.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

Cncl. Sebastian questioned whether Council felt the proposed range of \$40,000.00 to \$68,200.00 for the clerk was sufficient.

Cncl. Ronald Garbowski made a motion to raise the lower end of the range to \$50,000.00 and the upper end to \$75,200.00. Cncl. Frank Caligiuri seconded that motion.

Cncl. Sebastian took a consensus of Council and all were in favor of a salary range for the municipal clerk of \$50,000.00 to \$75,200.00.

Cncl. Dan Teefy questioned why the ordinance effective date went back to January 1, 2011, as the employees already received increases for 2011. He felt this ordinance should be effective January 2012 to prevent retro from being paid. Cncl. Sebastian explained a salary ordinance for 2011 was done in January, this ordinance is an adjustment needed to increase the top range for the CFO so he can be paid for 2011 according to his contract. Mr. Heydel added the Personnel Assistant also sent a request to Council and based upon that correspondence he was asked to perform an evaluation and prepare a job description in order to price out that position. The third title is being increased due to the November 4th correspondence from the municipal clerk that was addressed to the Mayor and Council. Mr. Heydel advised the proposed ordinance would be effective January 1, 2011, as that allows retroactive salaries to be paid in 2011. The money owed the CFO for 2009 and 2010 will be a contractual settlement since he was not paid according to his contract. Cncl. Sebastian also explained the new collective bargaining contracts have not yet been negotiated for 2012 and once those contracts are approved all the salaries listed in the ordinance will be amended. Cncl. Caligiuri explained retro pay is being sought by an employee in the Mayor's Office who assumed additional responsibilities and the CFO for his settlement but it does not impact the clerk. Cncl. Teefy noted he was not looking at the clerk or any other position; he was thinking about the future and would like to set a precedent by approving the ordinance ahead of time so retro does not need to be paid. This year everyone was paid in January and he would like that procedure to continue. Mr. Heydel explained increases were paid in January only because all collective bargaining agreements had been settled and we knew what everyone had to be paid. The reason why employees were paid retro in the past is because contracts were not settled until November. He explained the settlement for the CFO is the only one with a contractual obligation to pay. The other two positions are at the discretion of the Mayor and there has been no indication that he will make any changes to their salaries or titles. Cncl. Sebastian questioned how that would affect the Personnel Assistant. Mr. Heydel noted it will not because she will resign the position of Claims Coordinator and revert back to the job description of Personnel Assistant, which is more of a clerical position and all of the other duties will fall upon him. He added she will take the Claims Coordinator position if she is paid according to the work she is doing. Cncl. Sebastian noted if the effective date of this ordinance is 2012 she will not be able to be paid retroactively for the eight months she has been doing the job. Cncl. Teefy noted the increase should be paid from the date it is given not retro to when she started the job. He spoke of how for six months he performed a job of a terminated employee and never requested retro pay and how he was eventually rewarded for doing that. He felt stepping up and doing additional work is what gets people to the next level in their jobs and

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

that can be done by making the ordinance effective in 2012. The ordinance can then be amended for the other employees when their collective bargaining agreements are settled. Cncl. DiLucia noted the Personnel Assistant sent a message that she would revert back to her old duties if she did not get this; however if Council eliminated the old titles there would be only one position. Mr. Heydel noted the salary that she currently receives fits within the salary range of the new title but there is no vehicle to pay her for the additional work.

Cncl. Sebastian questioned whether Council was OK with the range of \$61,000.00 to \$112,300.00 for the CFO position. Cncl. DiLucia requested Mr. Heydel to explain the calculations for the CFO's back pay. Mr. Heydel explained the CFO's contract states attendance at meetings does not count towards his 40 hour workweek but he included that time as part of his 40 hour workweek. In the retro pay calculation that time was deducted and the amount he is to be paid was reduced to what he actually is entitled to. Cncl. DiLucia referred to minutes from a previous meeting where Mr. Heydel had stated the CFO would no longer receive the Director of Finance stipend of \$4,000.00 a year. Mr. Heydel explained the CFO sent him an email saying that he would perform the duties of the director without the stipend. Once this matter is settled Mr. Heydel is going to accept the CFO's offer, the director will be rolled into this and that job title will have zero dollars in the ordinance. Cncl. DiLucia questioned whether that would cost the township more in time away from his job. Mr. Heydel replied no, because that time is outside the scope of his contract. Cncl. Sebastian polled Council and all were in favor of the proposed salary range for the CFO.

Cncl. Sebastian questioned whether Council was ok with the range of \$35,000.00 to \$55,000.00 for the Personnel Assistant/Claims Coordinator. Cncl. DiLucia questioned whether the top of the range is what Mr. Heydel felt the job should pay. Mr. Heydel explained when reviewing salaries for human resource officers or personnel assistants both salaries are way under the median salaries found on Salary Wizard for private sector jobs of this nature. Cncl. Pres., Dilks suggested eliminating the Human Resource Officer and Personnel Assistant titles so then the Mayor would have to give her the Personnel Assistant/Claims Coordinator title. Mr. Heydel explained we need those titles in the 2011 salary ordinance because people were paid from those titles during the year. The Resource Officer title can be removed in the 2012 salary ordinance but the Personnel Assistant title should remain in place because even if the employee is given the other title there is no indication she will get a raise for the extra duties and he is not comfortable forcing her to do them. Cncl. Teefy felt the employee should have been moved to the Human Resources Officer from the beginning. Mr. Heydel explained that title requires three years supervisory experience and she does not supervise anyone plus a promotion is also the responsibility of the Mayor. Cncl. Sebastian polled Council and everyone with the exception of Cncl. Teefy was in favor of the \$35,000.00 to \$55,000.00 range for the Personnel Assistant/Claims Coordinator position.

Cncl. Teefy recommended the CFO's 2011 increase be given as a settlement like the 2009 and 2010 increases and then the new ordinance could be effective 2012. Cncl. Caligiuri noted the only advantage to pass it the way it was discussed is that it serves as a leadoff for 2012. Mr. Heydel recommended the ordinance be effective in 2011, as that will take the onus from Council

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

D.) ORDINANCES FOR REVIEW (cont'd)

and put the responsibility onto the Mayor. Cncl. Bryson requested clarification on whether just the CFO would be getting retroactive pay to January 2011 and if so what would the other two employees be getting. Mr. Heydel advised increases would be retro to when the Mayor makes his decision. Cncl. Rich DiLucia noted the Mayor has the administrative authority to set limits on retroactivity on all jobs other than the CFO and he questioned whether Council felt increases should all be settlements or whether they felt back pay should be included in the ordinance for the Mayor to make the decision. Mr. Heydel noted it is up to the Mayor and there is no indication that he will act upon this.

Cncl. Sebastian polled Council and all were in favor of the ordinance being effective in 2011 with the exception of Cncl. Teefy who felt it should go into effect in 2012. Council was also in favor of moving it forward for First Reading at the Tuesday, December 13th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- **Clustering in Pineland Areas**

Cncl. Frank Caligiuri noted he wanted to collect recommendations/comments from the Environmental Commission and Council regarding clustering in Pineland areas, as the Planning Board would be addressing this matter in January. He explained the Pinelands adopted a Comprehensive Management Plan (CMP) and gave the township a template ordinance to accept the provisions in that CMP. The Environmental Commission reviewed the CMP that includes a definition for septic system inspections and they made a recommendation to define who performs those inspections and the basic qualifications he should have. That and some other recommendations from Cncl. Caligiuri will be presented to the Planning Board for their consideration in the final iteration of the CMP they will adopt. Cncl. Caligiuri requested Council let him know if they had any recommendations/comments to add. Once this matter is addressed by the Planning Board their solicitor will prepare a sample ordinance that will be sent to Council for approval. Cncl. Bryson questioned whether the changes in the ordinance would be retroactive to the matters currently before the Planning Board. Cncl. Caligiuri advised they are not.

- **Peddling and Soliciting**

Cncl. Frank Caligiuri noted he previously requested the Peddling and Soliciting Ordinance be placed back on the agenda to address an incident that involved a police officer stopping an AVON lady to see if she had a Peddling and Soliciting license. He felt due to this incident language should be included in the ordinance that would allow residents, who already pay property taxes, to obtain a township identification card at no charge for home based businesses that are supported by corporations, such as AVON, Pampered Chef, etc. Issuance of the identification card would be subject to Council approval to ensure the business actually qualifies as a home based business. Cncl. Sebastian questioned whether Cncl. Caligiuri met someone running a business from their home; not something like Kirby with an office on the Black Horse Pike and salesmen going door to door. Cncl. Caligiuri replied that was correct,

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

E.) MATTERS FOR DISCUSSION (cont'd)

just residents of Monroe Township. Cncl. Sebastian noted all people soliciting would require a license but with this language there would be no fee for a resident with a home based business. Cncl. Caligiuri noted the objective Council wanted in the ordinance was for businesses that pay taxes in Monroe Township to benefit, we did not want outsiders coming here to compete with taxpaying businesses. Cncl. Teefy agreed language should be added to the ordinance and he questioned whether a list of the companies should also be included. Solicitor Fiore replied no because defining nationally registered companies would be a problem. Cncl. Sebastian questioned how the purveyor of the license determines whether it is home based. Cncl. Caligiuri felt it should be subject to Council interpretation and approval. Dan Kozak noted he liked Cncl. Caligiuri's idea but he was concerned that an ID card would be given to a person without any type of background checks. Cncl. Caligiuri felt whatever checks are normally done should continue. He recommended this be defined as someone in the business of catalog sales that require a callback with an invitation to enter a home. Solicitor Fiore recommended this matter be addressed by the Law Committee.

Cncl. Caligiuri spoke of attending the JIF Meeting where an Indemnification Ordinance was discussed and a recommendation made for each municipality to adopt an ordinance that would indemnify the township from exposure not covered by liability insurance. Cncl. Sebastian noted the highest paid claims fall under worker's comp and the JIF wanted to address that. Cncl. Ron Garbowski added the JIF recommended the township have an additional insurance carrier because some claims could be substantial. Solicitor Fiore noted the JIF has probably had claims with what is called a "Longfellow letter", which says policy limits should be given or else they will be legally responsible for anything over and above it. He felt what has probably happened is due to court rulings the JIF had to pay claims over and above policy limits for claims that they did not settle. Mr. Fiore noted it sounds like a good idea and he will look into this.

Cncl. Rich DiLucia questioned whether anyone knew what the letter from Midway Auto was about. Solicitor Fiore explained the letter was Midway's response to the request made for them to attend the Work Session Meeting to show cause why their towing week should not be suspended. Mr. Fiore indicated he doesn't know how to respond to the letter, which refers to when Midway subdivided their property and were required to install sidewalks or pay into the sidewalk fund. The letter indicates they were wrongfully treated because they checked with the State and were told we could not require them to install sidewalks. Mr. Fiore noted Midway did not request a sidewalk waiver and paid \$4,000 to \$5,000. He added there is a whole history here because when they had to pay that they then allegedly turned in Simmermon for not having his approvals. Cncl. DiLucia questioned whether someone needs to respond to this since it was a certified letter. Mr. Fiore noted if Council wants him to respond he will. Cncl. Pres., Dilks explained Midway was requested to attend the council meeting to explain the problem but no one showed up and instead this letter was sent. Mr. Fiore noted he will respond with a letter stating nothing can be done since they did not attend the council meeting, which they were invited to in order to give them the opportunity to be heard regarding the Public Safety Director's recommendation to suspend Midway from the towing list.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 7, 2011

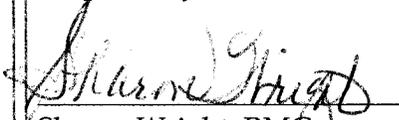
E.) MATTERS FOR DISCUSSION (cont'd)

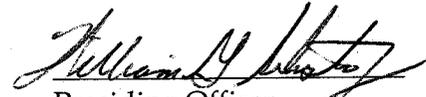
Solicitor Fiore referred to the Tort Claim Notice from Andy Wade and noted Carol Cummings from the Court System has advised that Assignment Judge Curio has requested her to hold a two hour instructional session with the employees from our municipal court, as there is a certain criteria and way they are supposed to treat people. He noted at times dealing with people can be frustrating for employees but as employees of the municipality they must deal with them in the proper manner.

F.) ADJOURNMENT

With nothing further to discuss Cncl. Frank Caligiuri made a motion to adjourn the Ordinance Committee Meeting of December 7, 2011. The motion was seconded by Cncl. Rich DiLucia and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and the hand written notes of the Ordinance Committee Meeting of December 7, 2011 and serve as only a synopsis of the proceedings. That official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted *JW* Date 1/11/12
Approved as corrected _____ Date _____