

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 4, 2012**

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 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. Rich DiLucia led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson		Excused
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	
Police Chief, Joseph Smart	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 March 7, 2012. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Marvin Dilks** made a motion to close the Public Portion. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

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D.) ORDINANCES FOR REVIEW

- Chapter 69 "Police"

Cncl. William Sebastian explained Chief Smart had requested Chapter 69 be tweaked but then decided it could wait since a majority of the ordinance will be addressed when the Police Department goes through the accreditation process. During that process an outside agency inspects all Police Department records, forms, procedures and the municipality's ordinances and resolutions dealing with the police and will make recommendations as to what changes need to be made to accredit the department. Currently the code says police department rules and regulations must be signed off by the appropriate authority but it does not say who that authority is. Another section says rules and regulations are issued by the Public Safety Director and that is what will take place until the accreditation process is completed. **Business Administrator, Kevin Heydel** advised the bid opening for a consulting service to assist the police in securing NJSACOP accreditation is scheduled for Thursday, April 5th and the bid will be awarded at the following Council meeting. The estimated time line for a company to complete this process is approximately a year. **Chief Joe Smart** explained as the company goes through the accreditation process they will look at local ordinances, SOP rules and regulations and make changes in order to fall within the criteria for accreditation. Right now our local ordinance dealing with disciplinary action violates Title 40, which is the State Statute that empowers the Chief but once the accreditation process is completed our ordinances will be rewritten to bring many of our outdated policies in line with New Jersey Statutes. Chief Smart explained the accreditation process is the way to go to make the Police Department more professional and people more accountable. The process is very complicated and will require changes in our policies, the way we think and do things. He felt to change the code now and then again during the accreditation process would be redundant so until the process is completed, the Public Safety Director will remain the one who puts rules and regulations in place. **Cncl. Marvin Dilks** questioned whether this has ever been done before. Chief Smart advised not in Monroe but almost 200 other police departments in the State are now undertaking the accreditation process or have already completed it. The Chief advised he attended a JIF meeting where it was stated accreditation reduces liability and unnecessary hurtles police departments go through because once regulations conform to State Statute, areas are clear and concise. He explained every officer will be given the new rules and regulations (*which could be SOPs, ordinances etc.*) and requested to sign off that they have received and know them. **Cncl. Dilks** questioned who will be performing the accreditation. **Cncl. Sebastian** explained the township went out to bid for it, as there are a number of companies/organizations that perform these services. The company awarded the bid will review all documents and when everything is in place make a presentation to the State on behalf of the Monroe Township Police Department. Chief Smart explained police departments are permitted to perform the accreditation process however, it has been established that economically we can't because we don't have the manpower to dedicate two officers to the project for approximately two years or the expertise to write policies so for those reasons we are proceeding with an outside agency. **Cncl. Ronald Garbowski** questioned once this is completed is it something that needs to be done on a ten year basis, or once it's done can we update it. Chief Smart explained this is an ever evolving process because the attorney general,

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D.) ORDINANCES FOR REVIEW (cont'd)

prosecutor and new ordinances are always establishing new guidelines. The police department will learn the accreditation process as it's being done so in the future when new guidelines are established we will be able to update our policies. Chief Smart explained the State will perform audits to make sure we are following the policies put in place and any changes they request will be done by the department. Mr. Heydel noted right now when a police officer has an encounter with someone, that person can sue the township. This will put policies and procedures in place of how encounters are handled and as long as officers follow those policies liability is reduced. Solicitor Fiore explained when municipalities are sued the suit is never on "an intentional standard" because there is no insurance coverage. People generally plead "negligent training or negligent retention" when a police officer has been problematic. The chief is usually also named in a suit and attorneys check to see whether policies/procedures are in place, whether training is continuous and whether follow-up education has been done to ensure officers are always up to speed. He noted when policies meet State Statute townships have a defense in a law suit. Cncl. Pres., Frank Caligiuri noted he acted with due diligence and reviewed Chapter 69 and found some idiosyncrasies, conflicts and some comments and would like to propose some changes. Cncl. Sebastian noted Chapter 69 will be reviewed during the accreditation process after which a recommendation will be made and at that time the code will be rewritten but a couple of things should be addressed immediately. One is where it says the mayor is the disciplinarian for the police department because Title 40, which supersedes local ordinance, says discipline falls under the police chief. Mr. Fiore explained that language can remain in the ordinance until after the accreditation process because Title 40 of the State Statute controls. Cncl. Teefy questioned whether the State is mandating the accreditation or are we taking it upon ourselves to do it. Chief Smart explained we are taking it upon ourselves in order to reach a higher standard for the department. Accreditation is the wave of the future and even JIF recommends it, as it cuts down on liability. Cncl. Rich DiLucia questioned whether this would make it easier to deal with personnel issues. Chief Smart noted it makes it very simple, as it puts a policy in place and disciplinary action can be taken if an officer varies from that policy.

E.) MATTERS FOR DISCUSSION

• **Parking - Virginia Avenue**

Dan Kozak spoke of a car being parked in front of the police station for the last six months without being moved. He suggested Council consider establishing a three hour parking limit on Virginia Avenue from the municipal building parking lot driveway (*by the mailbox*) to the police station driveway. Limited parking such as that would allow parking in front of the building during court or for other municipal business but would prohibit cars from parking there without moving for long periods of time. Chief Smart explained as long as a vehicle is legally registered the police cannot stop someone from using the street as a personal parking lot unless there is limited parking regulations in place. Cncl. DiLucia suggested prohibiting overnight parking. Cncl. Sebastian polled Council and everyone in attendance was in favor of no overnight parking. Solicitor Fiore will draft the ordinance for review at the May Ordinance Committee Meeting.

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E.) MATTERS FOR DISCUSSION (cont'd)

- Handbook Youth Sporting Organizations

Cncl. Daniel Teefy noted the handbook was brought before Council two years ago but at that time it was still a moving document and didn't need an ordinance. After their last meeting most of the organizations felt it was time to adopt the handbook by ordinance to give it some teeth, as they were concerned it would not be followed if it was not done by ordinance; even though most organizations have been abiding by it. The handbook includes a requirement for background checks for every coach, assistant coach, officer, team mom, etc. Currently background checks are mandatory for little league and soccer teams. Little league utilizes an organization through Williamsport Little League but the program the organizations are considering is much more thorough and more up to date than what little league is currently using. The organizations want to make background checks mandatory and feel those regulations should be adopted by separate ordinance. They are considering going through the Kanka Association, a Megan's Law organization that gets State funding to perform background checks. This is the last year for that funding and if our leagues get involved they will get enough money to certify approximately 600 people for a three year period. Cncl. Teefy noted the organizations would like to have background checks done on a yearly basis rather than every three years because they feel things could happen within that three year period. Solicitor Fiore felt it would not make sense to separate the background check from the handbook. He explained by council adopting the handbook by ordinance amendments will only be able to be made by council via ordinance; the committee will not be able to make any changes to it once it is adopted by ordinance. Cncl. Teefy noted the commission could recommend changes to council in the same way the Planning Board makes recommendations for land management changes. Cncl. Sebastian polled Council and the consensus was for background check requirements to be included in the handbook. Solicitor Fiore cautioned that by establishing regulations to protect the town this will now bring liability upon the township because, even though the organizations are private, we are becoming involved by monitoring them. He added but that is the chance we will have to take, as the JIF and MEL would appreciate the township creating standards for all groups. Cncl. DiLucia questioned whether there was a point of demarcation or criteria for pass/fail in regards to the background checks. Cncl. Teefy advised there is and that will be discussed further at their next meeting. Cncl. Marvin Dilks spoke of the "Privacy Act" and questioned if that was included and what happens to the record of someone who does not pass the background check. Cncl. Teefy noted it goes to the Chief of Police. Solicitor Fiore noted Cncl. Dilks brought up a tremendous point because the moment a person is flagged, everyone will know so we must make sure the procedure that is followed has ultra privacy. He noted Cncl. DiLucia also brought up a very good point, as there are certain levels of crimes from first to fourth degree, which are generally heard in Superior Court, on down to petty disorderly person. Someone could be charged with a second degree crime that could involve Megan's Law but when it goes to the prosecutor's office it could be kicked down to the municipal court where it's treated as a petty pd (*disorderly person*). Mr. Fiore noted crimes involving children, drugs, etc. should all be looked at. Cncl. Teefy spoke of an eighteen year old who is refereeing games after being charged with house invasion. Parents are in an uproar over this and he questioned whether a background check would have raised a flag since the kid has not been convicted yet. Mr. Fiore felt that it would

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E.) MATTERS FOR DISCUSSION (cont'd)

not because the case is pending and the law says a person is innocent until proven guilty. He felt the smart thing for the kid to do would be to resign. Cncl. Teefy noted the organizations would also like to develop a sports youth advisory board, which would be two board members (*president and another member*) from each organization that would meet quarterly to review by-laws, disciplinary action and the handbook to see if any changes should be made. A suggestion was made to make the advisory board a township commission so the township would pay for the board to have a secretary. Solicitor Fiore noted it sounds like the groups are all agreeing that there will be some type of treaty and an appeal process for disciplinary procedures and the township definitely does not want to get involved in that because then it becomes municipal action and all the liability would be imposed upon us especially when dealing with the possible suspension or removal of a coach. Cncl. Teefy noted he listened to them but told them they would not want the board to be appointed by the Mayor or Council. Cncl. Teefy advised the organizations will begin charging an extra \$5.00 per child for registration fees this year and they would like that money to be placed in a township fund where it would be held and drawn upon to pay for future background checks. **Business Administrator Kevin Heydel** explained that would be set up as a trust account and handled like the trip money from the Senior Commission but he needs to look into that to see if the State qualifies that as a trust. Cncl. Sebastian noted if that can be done for them, why can't the ambulance squad take the \$800,000.00 they bring in and put it into an account so they don't have to fight to buy an ambulance. Mr. Heydel noted because the township pays all operating expenses to run the ambulances. Cncl. Teefy noted the organizations also want everyone on the fields to wear badges and to be safety certified. That will be handled by Parks and Rec, as Jim Bonder has been certified by Rutgers to conduct safety certification classes for coaches. Mr. Heydel questioned who will be managing all of this. Cncl. Teefy explained Mr. Bonder will be and the organizations will be holding another meeting to finalize the handbook and as soon as that is done it will be sent to the Clerk's Office to be placed on an agenda.

- Solar Panels

Cncl. Sebastian explained the issue of solar panels was placed on the agenda due to a number of emails he received about them. He explained the township has no rules/regulations for them and residents are getting permits to install them as a structure if they fall within the rear and side yard setbacks. In some back/side yards solar panels are like solar farms and the neighbors who must look at them are complaining. Cncl. Sebastian spoke of other towns having ordinances in place governing the installation of solar panels and recommended Council consider adopting one as well. Sample ordinances from Haddon, Middle, Greenwich, Mantua and Washington townships were provided for Council's review. Cncl. Teefy questioned the status of the State law dealing with solar panels. Cncl. Sebastian explained that law does not get into residential applications; it just deals with the commercial solar farms located on acres and acres of land. He noted residential solar panels placed on the roof of homes are not the problem; it's the ones that are placed on the ground. Cncl. Frank Caligiuri reviewed the sample ordinances and he felt they are complicated and include many variables. He recommended before Council considers adopting this type of ordinance they get the Planner

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E.) MATTERS FOR DISCUSSION (cont'd)

involved. Cncl. Sebastian agreed noting the only reason this matter is being discussed is because he and Cncl. Bryson, Garbowski, and Teefy received an email from residents of Serenity Woods complaining about a home on Biden Lane in the Tall Oaks Development that recently installed a ground solar panel energy system. Cncl. Sebastian spoke of going out to the location and explained it looks like a solar farm in the backyard of a home that backs up to the Serenity Woods retention basin. Serenity Woods residents questioned whether they could plant and maintain trees on the street along the township owned retention basin, so they would not have to look at the solar panels, which are unsightly. Cncl. Sebastian requested Council review the sample ordinances to see if they want to consider adopting an ordinance or if they considered the issue an albatross. Solicitor Fiore noted to an extent it probably is an albatross. Other towns permit solar panels in residential zones with certain caveats. One ordinance states they must be 50 feet from the property line, another states 20 feet and another said they can't be on less than three acres. He noted it will be interesting to see how this plays out, as the State and Federal governments are pushing for everyone to go green and will not allow municipalities to regulate against renewable energy. He felt council should take a close look at the ordinances, noting he was not sure if any of them had been challenged in the other towns. Cncl. Sebastian noted Council may want to involve Tim Kernan and Len Schwartz in this because it does involve the land use ordinances. Dan Kozak advised the matter was brought up for discussion at the last Planning Board Meeting and he suggested Council wait to see what the board does with this issue before they went any further. Cncl. Sebastian noted he will contact the Serenity Woods resident, who is afraid everyone is going to install solar panels in their backyards, to let him know the Planning Board and Council are looking into this matter.

F.) NEW BUSINESS - None

G.) OLD BUSINESS

Cncl. Sebastian questioned whether the Solicitor was working on the email policy ordinance. Mr. Fiore indicated he was and that he would sit down with Mr. Heydel to finalize it.

- Signs

Dan Kozak noted developers are permitted to have sale signs in front of their properties and according to our ordinance they are also permitted to put directional signs up leading to the development. Lately, directional signs are being put up all over the township from not only developments in town but also from those located in Winslow and Franklin Townships. Mr. Kozak has taken them down and asked developers not to replace them but they continue to put them up and it's getting out of hand. Mr. Kozak recommended a portion of the last sentence of Chapter 175-135 (8) be deleted (*except if such sign is for directional purposes only*), as that language

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G.) OLD BUSINESS (cont'd)

is what permits those types of signs. He noted realtor open house signs put up for the weekend are not the problem; it's the developer signs causing the problems. Council agreed the language should be removed from the code and requested Dan bring the issue up at a Planning Board meeting since this would be an amendment to Chapter 175.

Dan Kozak noted he has just completed the yearly inspections on Justin Commons and he wanted to report the management company is keeping the hallways and outside well maintained, the residents are keeping the apartments clean and there were no violations in any of the four buildings. He noted the units are not completely filled because people seem to be either over qualified or under qualified for them.

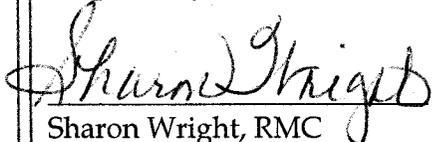
Business Administer, Kevin Heydel reported the Police Officers Association will be voting upon a memorandum of understanding for a three year contract and if they approve it, it will need to be placed on the next council meeting agenda. Mr. Heydel explained the Police Department will be going to 12 hour shifts, the particulars have been worked out to convert their days into hours, the dollar value averages out to be 2% per year for three years and the pay scales have been restructured and will no longer include the title of detective or corporal (*Civil Service does not recognize the title of corporal*). The contract has been restructured so administrative leadership will be held accountable for their positions. Cncl. Sebastian questioned the number of personnel on each 12 hour shift and what will happen when officers take off for vacation, sick or on the shift transition days. Mr. Heydel explained 8 or 9 police officers will work per shift. They will also be given Kelly Time of 104 hours per year. He explained 12 hour shifts work out to be 2184 hours a year, not 2080 so the Kelly Time will be given to make up that difference. That time cannot be carried over from year to year so it will be given to the officers at the beginning of each year, as that will allow them to utilize it throughout the year instead of everyone trying to take before the end of the year when it would be lost if not used. Cncl. Sebastian noted if the guys are taking hours off there will not be 8 on a shift. Mr. Heydel commended Officer Andy Pease for doing a great job in working all of that out and explained that Capt. McKeown performed an analysis on that and it does work out. Cncl. Teefy questioned if they will work 36 hours per week or would shifts rotate 3 days and 4 days a week. Mr. Heydel explained shifts will rotate 3 days one week and 4 days the next and all time will now be counted in hours; nothing will be counted in days. He went on to explain how a person with 15 days vacation will now get 150 hours, which amounts to 12½ vacation days. A person who currently has 30 days vacation will now have 25 days on the 12 hour shift because it no longer goes by days; it goes by hours. How to handle sick leave was a problem due to the arbitration we lost on that but the Chief put a policy in place that will address all sick leave issues. Mr. Heydel noted this contract is a good deal for the police officers as well as for the township.

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H.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Ordinance Committee Meeting of April 4, 2012. The motion was seconded by Cncl. Marvin Dilks and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Sharon Wright, RMC
Deputy Clerk



Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of April 4, 2012 and serve only as a synopsis of the proceedings. The 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 SW Date 5/2/12
Approved as corrected _____ Date _____