

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
SEPTEMBER 6, 2017**

**A.) CALL TO ORDER & ROLL CALL**

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the First 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.: South Jersey 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. Marino** led the assembly in the Pledge of Allegiance to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski		Excused
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine		Excused
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	
Solicitor, Charles Fiore	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:15 PM)
Dir. Public Safety, Jim Smart	Present	(Arrived 7:09 PM)
Dir. Public Works, Mike Calvello	Present	
Police Chief John McKeown	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Dilks** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of August 2, 2017. The motion was seconded by **Cncl. Marino** and approved by all members of Council in attendance with the exception of **Cncl. Miller** who Abstained.

**C.) PUBLIC PORTION**

**Cncl. Miller** made a motion to open the Public Portion. The motion was seconded by **Cncl. Marino** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Miller** made a motion to close the Public Portion. The motion was seconded by **Cncl. DiLucia** and unanimously approved by all members of Council in attendance.

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D.) ORDINANCES FOR REVIEW - None

E.) MATTERS FOR DISCUSSION

- Fee Exemption for Victims of Crimes

**Chief McKeown** explained the fee ordinance needs to be amended because according to the Attorney General's guidelines victims of crimes should not be charged a fee for police reports but our ordinance does not exempt them. **Captain Boyd** added the Police Department would like to expand that to include offenses so the staff does not have to determine whether an incident was a crime or an offense. Currently there is no exemption in the ordinance at all; it basically says everyone should be charged. Council questioned the charges being assessed. **Captain Boyd** advised it is only five cents a page but the concern is that violates a court rule and the Attorney General guidelines so we could be subject to fines. The issue was discussed with the Chief and it was felt it makes no sense for the Police Department to take the risk of disregarding the Attorney General's guideline. **Cncl. Heffner** polled Council and all were in favor of amending Chapter 74 "Fees" to exempt victims of crimes and offenses from paying a fee for police records. **Captain Boyd** noted court regulations say charges cannot be assessed on electronic media but there is nothing in the Code exempting that so that also needs to be amended. **Solicitor Fiore** advised he would prepare the ordinance for First Reading at the September 25<sup>th</sup> Regular Council Meeting with the changes discussed.

- No Parking One Side Library Street

**Chief McKeown** reported Sgt. Burton prepared a report that was submitted to Council regarding restricting parking on the northern side of Library Street. The Chief also looked at the area himself and concurred with Sgt. Burton's assessment, as that would open up the area for fire and EMS vehicles as well as trash trucks. Council questioned if trash is picked up on one or both sides of the street. **Director of Public Works, Mike Calvello** advised on one side, the parking lot side, which is the northern side of the street. **Cncl. Heffner** questioned whether a public notice would be made to the residents. **Solicitor Fiore** explained no public notice is required. If Council wants to do something as a courtesy a notice could be placed on each door advising when the ordinance becomes effective and the traffic board could be placed on the street giving advance notice. Council suggested the Grand Theater be notified so they can inform their patrons as well as performers since many park along that street. **Chief McKeown** explained the street must be properly painted and signed before the ordinance can be enforced and there will be a notification process and a learning curve for residents. Warnings will be issued first. Council discussed the width of the street and the problems encountered by fire and trash trucks. **Mayor Teefy** requested temporary parking for pickup at the restaurant on the corner. **Solicitor Fiore** advised the Police Department will need to determine the distance from the corner where the temporary parking will be. **Cncl. Marino** questioned if the parking lot is for public parking for those attending the Grand Theater. **Solicitor Fiore** advised it is not a public parking lot and people would need to get permission from the property owner to park there. However, they may not want to because even the residents didn't park there due to the criminal activities taking place, cars being dismantled and trash being dumped there. Mr. Fiore

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E.) MATTERS FOR DISCUSSION (cont'd)

noted that property was probably not permitted because that type of structure (*wall*) would not have been allowed so close to the curb line. Council questioned if lighting could be installed but Mr. Fiore explained if their site plan did not address lighting the township cannot make them put lights in. Chief McKeown advised last year the Police Department requested seven lights to be installed in that area so now it is pretty well lit. Mr. Fiore felt the public may say they don't want this but the Police Department is recommending it from a public safety standpoint. He suggested placing the traffic message board on the street before the ordinance becomes effective to make everyone aware of it. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the September 25<sup>th</sup> Council Meeting.

• Open Space Advisory Committee Recommendations

Len Fritz, Chairman of the Open Space Committee reported the Open Space Committee reviewed ordinances from other towns in order to provide information to Council that would bring open space requirements up to today's standards. He explained the Committee is trying to prevent developers from giving the township garbage land that is not usable for open space. The Committee wants usable land with a connected comprehensive component, which means it can't be just a couple little pockets here and there, it must be connected with our overall Master Plan. Solicitor Fiore commented that our current ordinance says 50% can be junk land and the other 50% is open space. The language in the sample Franklinville ordinance says 10% must be open space/passive active recreation and the other 90% can be the junk land. Mr. Fritz noted he reads that the opposite way. Mr. Fiore suggested including language that at least 10% must be active open space that connects with other areas in town. Mr. Fiore asked Tom Swartz, who works in other towns with CES, what his experience was in those towns. Mr. Swartz advised Monroe is one of the most restrictive towns with open space. Most towns include all of the basins and environmentally sensitive areas. To say you want 90% would be way more restrictive. He questioned whether buffers would be open space, as they can link areas together. Mr. Fritz agreed, noting that is another issue they want to tackle down the road. We would like to restrict that waiver, as 90% of projects coming before the Zoning Board for a variance are allowed to swap it out for a fence and that defeats the purpose of the buffer. Mr. Swartz noted when buffers are included in open space they all work and things are integrated together. Director of Public Works, Mike Calvello questioned when buffers are counted as open space who maintains the area because if they are turned over to the township and not constantly mowed we get complaints from the residents. The walking trail at Chestnut Green is a maintenance nightmare. We mow behind everyone's fence line and some people are not happy with the way it's done, others don't care and others take their grass clippings and brush and throw it in that buffer area. Mr. Swartz felt that most homeowner associations are responsible to maintain buffers. Mr. Calvello agreed that was the case when there is a homeowner association but most developments do not have associations. Mr. Fritz noted the Committee has discussed the appearance/maintenance of open space, which does not necessarily have to be mowed every week like our own yards. Fenced basins are being mowed for what, it does not change the aesthetics or how the stormwater management actually works, it is just perception. If the perception can be changed there are many things that could be readdressed in regards to how buffers can be handled. For

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

future subdivisions we could have ordinances that restrict how those areas are taken care of to suit the maintenance issue. The biodiversity movement is the big buzz right now. **Cncl. Miller** noted the second part of open space is purchasing land and he is checking with the County to see if there are funds available to purchase property. The County has been talking about partnering with us to tie Monroe Township into Scotland Run Park, which is located in Clayton. He added there is money in open space so we need to be more proactive to ensure we are preserving land because once it's developed it's gone. **Cncl. Heffner** noted the number one property on the list is adjacent to the high school. That is in the last year of an extension so it will be coming back for site plan waivers and that will be the time to approach the owner since it will no longer meet the criteria. **Cncl. Heffner** requested Council read the information from Mr. Fritz and he asked Mr. Fritz to attend the October 4<sup>th</sup> Ordinance Meeting to answer any questions Council may have.

- **Tax Collector Stipend (Removed from Agenda)**

**F.) NEW BUSINESS**

**Cncl. Miller** noted he has been receiving complaints from residents in developments regarding vehicles parking and overhanging sidewalks causing kids to ride their bikes down the driveway and into the streets. **Chief McKeown** noted Title 39 4-138 says sidewalks cannot be blocked but there is also a law that says bikes cannot be ridden on the sidewalk. The Chief noted if anyone has a complaint they should contact the Police Department because handicap residents cannot maneuver wheelchairs around cars overhanging sidewalks. **Cncl. Miller** explained the problem is becoming more prevalent in Fox Hollow and Scotland Run because families have more cars.

- **LOSAP**

**Business Administrator Kevin Heydel** requested the LOSAP ordinance scheduled for Second Reading at the September 11<sup>th</sup> Council Meeting be amended to address an issue that came up. He explained over the last eight to ten years volunteers have had economic issues caused by the recession and they drew down funds from their LOSAP account to help alleviate the hardship. It is his responsibility to approve those hardships and what he has found is that some of the requests do not meet the hardship criteria. He had a brief conversation with someone recently and was told that people are saying they are severing their employment with the organization to get their LOSAP and then they go right back into the organization. He didn't know how true that was but it did point him into looking at a couple of things. The regulations say when a volunteer terminates his or her service with an emergency service organization, withdraws their LOSAP funds and returns a year or more later as an active volunteer of a service organization they may participate in LOSAP. They must begin a new vesting track and cannot receive credit for prior years of service. This prompted him to think what happens if a volunteer quits and in less than a year rejoins the organization so he

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F.) NEW BUSINESS (cont'd)

contacted the New Jersey Division of Local Government Services and was told none of this is in the actual legislation; these are just guidelines they set forth. DLGS said if a volunteer severs his service he must go back and start the new vesting tract and that should be written in the by-laws. Mr. Heydel felt that would be the ordinance and he requested language be included in the ordinance to deal with this issue so there is not an escape hatch where people can get their LOSAP money and then go right back into the organization as if nothing happened. **Cncl. DiLucia** questioned if there were penalties for withdraw? Mr. Heydel explained the IRS assesses penalties in the same manner as if funds are withdrawn from an IRA or 401K retirement account. Lincoln Financial the plan administrator sends the volunteer a 1099 for income tax purposes and they are penalized a percentage. **Cncl. DiLucia** noted it would be 10% and they would pay at the rate of their gross income. Council questioned whether people come from time to time claiming a hardship, leave and come back. Mr. Heydel noted he only knows of one case where someone left and came right back again and they got credit for all their years of service because they did meet the hardship requirement. He noted buying a house or a college education for kids is not counted as a hardship so if people want the money there is a loophole, which is they quit, get the money and then come back again and that is what needs to be closed. The State allows a person to take their LOSAP if they give up all future rights to it. Volunteers 60 or 70 year olds who are already retired but still want to be part of the organization usually do that. **Tom Swartz** noted the person handling LOSAP for each organization was never notified of a person quitting because if it happened in the last six years he didn't know anything about it as LOSAP is a private matter between the township and the volunteer. He explained after a volunteer goes through their three year period and the five year vesting period they are technically a life member of the fire company so they can't really quit. There are older members of the fire company very active and they still collect LOSAP and that money will go to their beneficiaries. **Cncl. DiLucia** noted under a normal retirement account a person can take their money at 59½ and keep working but this has a different criteria. Mr. Swartz explained a person could take their money but then they cannot keep collecting and he expressed concern that there is a lack of communication between the organizations and the administration. Mr. Heydel explained he gets the 457 form that says employment was severed and he doesn't go back to track it when information is sent in next year. **Director of Public Safety Jim Smart** felt it was Mr. Heydel's job to verify whether a person truly left the organization and he suggested Mr. Heydel call the president of the organizations to ask if a person has left and discussion ensued in regards to how communications could be made better. Mr. Heydel explained there are regulations for a person returning after a year but what happens if they return the next day. Mr. Smart advised that cannot happen because the organization's application process takes at least three months and then the vesting period would begin all over again. Mr. Heydel noted that is what he wants codified in the ordinance because there are no written guidelines for that. **Cncl. Heffner** requested Mr. Heydel to walk him through the process when a volunteer comes to his office to say he/she is resigning from the fire department. Mr. Heydel explained the volunteer calls him saying they need money from their LOSAP account and he tells them to contact Lincoln Financial who will send them a form to complete and sign. He signs off on that form and mails it to Lincoln Financial who will do whatever the volunteer wants, as they can close the account or just take a portion of the money and leave the account open. **Cncl. Heffner** questioned if the form is checked employment

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F.) NEW BUSINESS (cont'd)

terminated is there a mechanism in place to notify the fire department. Mr. Heydel explained there is no mechanism to notify any of the organizations or for them to notify the Administration. Mr. Swartz recommended before Mr. Heydel signs any form that he ask for a copy of their resignation letter from the fire company, as a resignation must be approved by the body. Mr. Heydel agreed to open up the lines of communication but still requested language be included in the Code to deal with this issue. Director Smart explained volunteers cannot belong to two fire departments in the State Relief Association at the same time and they cannot transfer membership to another department without a letter from the fire department secretary saying their membership was terminated. Mr. Heydel noted this is infrequent and it only came up based upon a conversation someone had with him. He added he did not check to verify anything because it never occurred to him that it would happen and he was always happy to give people the money they earned if they said they were having a hardship, as volunteers put in a lot of time and it is not fair if they want that money they should be able to have it. They are the ones getting the tax penalty so it doesn't matter to him but as the plan administer he wants protection in the event the State checks the records like they did in other municipalities where administrators were written up for the rest of the State to see. **Cncl. Marino** questioned what constitutes a hardship and is it subjective or in black and white? Mr. Heydel replied it is subjective but he is going to error on the side of the volunteer. He does not get into the details of someone's personal life so if they say they have a hardship he believes them and just requests them to write a letter stating what the hardship is and usually the letters are very general. **Cncl. Heffner** noted the Solicitor advised this change will require the ordinance to go back for First Reading and that will be done next month. Mr. Heydel explained the language should say if employment is severed and they come back they will be starting over with no prior credit for service. **Cncl. DiLucia** questioned what happens if they don't take the LOSAP and they come back. Mr. Swartz advised there are regulations for that. **Cncl. Miller** questioned what happens if a person resigns from the fire company and joins the other volunteer department would the years of service be carried over. Mr. Heydel felt that it can transfer from one organization to another because volunteers can be vested in town A and transfer to town B. Mr. Swartz explained a person can belong to both organizations and generate points but they will not earn more than the maximum amount of money allowed. Mr. Fiore commented the problem is with the legislation because the money belongs to the volunteers and they should be able to take it if they need it and not be penalized. He added a person coming back will still have to earn points. A person could go from A to B without being penalized but what if they go back from B to A, would they lose the continuity of years of service, as that would not be fair. Director Smart explained they would be transferring the money not taking it out. If they take the money out the vesting period must start again. Mr. Smart felt the issue takes care of itself so what will be added to the ordinance. Mr. Heydel explained we are codifying the fact that if someone leaves/resigns and takes their money and comes back they will have to start the whole process again. **Mayor Teefy** questioned where Mr. Heydel goes in the system to let them know they are severed and the funds should be released. Mr. Heydel explained the volunteer fills out a form that is sent to him to sign off on. He checks to see if they are vested and eligible and he sends that form to Lincoln Financial to disburse the funds. He added some people do not terminate their account, they may keep a few hundred dollars in the account to keep it open. Director Smart noted the checks and balances need to be

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F.) NEW BUSINESS (cont'd)

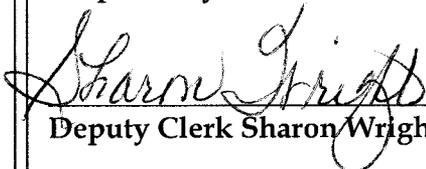
closed so while this is being defined in the ordinance we need to define the whole route of travel between the plan administrator and the LOSAP coordinator from each organization. Mr. Heydel noted towards the end of the year he sends the list to the organizations asking them to provide him with updates. Solicitor Fiore will prepare the changes to the ordinance for review at the October Ordinance Committee Meeting.

G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Miller made a motion to adjourn the Ordinance Committee Meeting of September 6, 2017. The motion was seconded by Cncl. Marino and unanimously approved by all members of Council in attendance.

Respectfully submitted,

  
Deputy Clerk Sharon Wright, RMC

  
Presiding Officer

*These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of September 6, 2017 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 10/11/17  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_