

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JANUARY 8, 2014

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:20 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Joe Pace 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. Pres., Garbowski led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ronald Garbowski	Present	
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Director of Public Safety, Jim Smart	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Pres., Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of December 4, 2013. The motion was seconded by **Cncl. Teefy** and approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Pres., Garbowski 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.

Christopher Cugini, 1814 Watercress Court extended wishes to the members of Council for a healthy, prosperous and safe New Year. He then went on to speak about towing, how the proper equipment is necessary to perform the job and how a million dollar lawsuit was just

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C.) PUBLIC PORTION (cont'd)

settled, which cost the township \$50,000.00 and the JIF \$950,000.00. Due to that lawsuit the JIF will either raise our rates or drop us, which will cost taxpayers more for insurance and now, we are in the same situation again with pending litigation because we seem to be doing the same thing over and over again. What needs to be done is a set of specifications should be written that clearly states what kind of equipment, yard and insurance towers must have and that should be published and contracts awarded to people who meet the specs. Mr. Cugini noted he could not promise that would prevent lawsuits but if the law and public specs are followed and everything was done the right way that lawsuit would not see the light of day. He spoke of accidents involving trucks that need towing and recovery specialists and of how Cherry Hill and many other townships have only two towers. He urged Council to think about writing new specs to avoid litigation and possibly help other businessmen invest in the right equipment to bid that work.

Solicitor Fiore encouraged Council not to make any comments regarding the Towing Ordinance due to the potential litigation but noted they can take the suggestions under advisement.

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

D.) ORDINANCES FOR REVIEW

- **Chapter 267-57 Private and Semipublic Premises (Title 39 Enforcement)**

Solicitor Fiore explained in order for the police to issue tickets to enforce Title 39 on the private property owned by Schultz Enterprises (*old Jamesway building*) and the Wal-Mart Property Chapter 267-57 needs to be amended to include those sites. All members of Council in attendance were in favor of amending Chapter 267-57 to include those sites. First Reading of the ordinance will be held at the January 27, 2014 Regular Council Meeting.

- **Bond Ordinance for Owens Park Lighting**

Business Administrator, Kevin Heydel noted at the last Council Meeting he presented a spending ordinance in the amount of \$400,000.00 to replace the wooden poles and sports lighting at the senior field and girl's softball field in Owens Park. He explained the \$400,000.00 would be taken from the Parks and Rec Developer's Fund, which has an available balance of \$518,000.00. During that meeting Council had requested an inspection be done on all the poles so Coastal Electric was hired to perform an inspection of every pole as well as the entire lighting system. Mr. Heydel noted he questioned the vendor to see if the poles could fall down right now and was told that the poles are pretty well worn but could possibly last another year or

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D.) ORDINANCES FOR REVIEW (cont'd)

two. Mr. Heydel distributed copies of Coastal Electric's report, noting the report as well as the summary are detailed and he recommended moving ahead to replace the poles due to their current condition. Mr. Heydel noted in going through the whole process Musco, the company that installed our other sports lighting was contacted along with CHM Industries, a company that bid on our other projects. CHM decided against it since Musco, the premier lighting company, has won the other bids. Mr. Heydel noted he has the plan design for everything and has joined a National Cooperative Purchasing network in order to get a 12% discount and eliminate the need to go out to bid. If we went out to bid Musco would probably still win the bid but by them being part of the cooperative purchasing their rates are lower, which amounts to a \$26,000.00 savings. Mr. Heydel explained the initial estimates were close to \$432,000.00 but after finding discounted pricing the amount being requested in the ordinance is \$400,000.00. There were questions in regards to the installation, disposal and removal and Mr. Heydel noted he estimated that to be about \$200,000.00. Coastal's estimate is in and around that ballpark at about \$150,000.00 for the installation and \$12,000.00 for disposal. The caveat in the estimate is whether or not the existing infrastructure/load can be used. The soft ball field we are comfortable with but we don't know about the senior league field because back lighting will be added at the nature trail, some of the parking lot and at the batting cages. The bid specs are written for a "design build" so once this goes out to bid the potential bidders will perform an analysis based upon the bid specifications and decide whether we will need to increase the load capacity, which would involve boring under the road for Atlantic City Electric to increase the load size. Mr. Heydel passed around pictures included with Coastal's report showing the deterioration on one of the existing light poles.

Cncl. Bryson noted he didn't have an opportunity to review Mr. Heydel's response to his questions posed at the last Council Meeting since he just received it so he would like to know why the \$400,000.00 needs to be taken out all at once when this is still an estimate. Mr. Heydel explained there will always be estimates when going out to bid because for a design build, vendors come in to see what actually needs to be done and then they design for the load. Cncl. Bryson noted his fear is that \$400,000.00 of the \$518,000.00 in the Parks and Rec Developer Fund will be used and then if there is an overrun of 10% the cost will be \$440,000.00 reducing that fund down to \$80,000.00. Mr. Heydel explained he now has two estimates, one from Musco for the installation and removal and one from Coastal and they are in the same ballpark. Everything is always an estimate based upon what you know at the time and there can be overruns on any project. He explained he increased the \$150,000.00 estimate to \$162,000.00 for installation and removal because he didn't want to be short and have to come back to request more. The caveat is in the design build as to whether or not they need to increase the load. Mr. Heydel noted he has a \$40,000.00 gap in what they are estimating and what he is asking for so if the project has an overrun he is comfortable it will be covered by what he is asking for.

Cncl. Sebastian explained this ordinance just gives the authority to move \$400,000.00 to an account that would pay for the lighting at the fields. If Council wants to put this out for bid it could come in at \$300,000.00 and there would be a savings but it can't go over \$400,000.00 because that is all the money allocated for it. There could be a situation that the bigger load could run the cost over \$400,000.00 so the contractor could say let's reduce the lighting to meet

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D.) ORDINANCES FOR REVIEW (cont'd)

the load rather than increase the load to meet the lighting. Cncl. Bryson noted but the lights would have already been purchased. Mr. Heydel explained we will not know the cost until we actually go out to bid but he felt to increase the load would not exceed the additional \$40,000.00. Atlantic City Electric does not charge for things they have to do to increase the load to the distribution point, we are talking about the cost for what the vendor needs to do from the distribution point.

Cncl. Bryson questioned when the existing lights were installed. Mr. Heydel replied 1988 on the girl's softball field and 1991, which is 26 and 23 years and the life of those poles is roughly 25 to 30 years. Cncl. Bryson agreed the poles are a danger and something needs to be done with them but he questioned whether the new lighting is more efficient than the existing lighting and if so how much more. Mr. Heydel noted the lighting is called Green Structure Lighting and Musco's documentation said it saves roughly about 50% over the life on the cost to run it. He noted he never buys the 50% savings but with 22% more lighting if there is a 25% savings on the efficiency we would be even. He explained the kilowatts used cannot be controlled because that depends upon how much the fields are used but there will be better control with the new lights because they will be turned on and off by a phone call rather than by someone going out to Owens Park to turn them off. With better control over the system the actual lighting time will be less and that will eventually lower the cost of electric. Cncl. Bryson noted looking at the positive side we are replacing a number of bulbs every year and that is costly. This contract includes free bulb replacement after 5,000 hours, which amounts to almost two years and that will be done twice so we will not be replacing bulbs for close to four years. Mr. Heydel noted he did a cost analysis and went on to explain if it cost us \$7,000.00 a year to maintain the current lights and a 1% increase is compounded out each year for inflationary purposes, ten years down the line it will cost \$136,000.00. He noted \$400,000.00 is a lot of money but lights are the most expense there is on a sports field.

Cncl. DiLucia questioned the relationship between Coastal Electric and this process. Mr. Heydel advised Coastal is a vendor/electrical contractor big enough in size to do these types of projects and they did the two Church Street Little League Fields, the football fields and the back baseball field. Cncl. DiLucia questioned if they could profit from this job. Mr. Heydel replied yes if they win the bid. Cncl. DiLucia noted he wanted the township engineer to perform the inspection and do the report and that's what should have been done. Mr. Heydel advised Chris Rehmann sent him a letter indicating that he does not have the expertise, nor is he licensed to do that and the course of action taken by him (*Mr. Heydel*) was correct. Cncl. DiLucia noted he would like to see a report from someone uninvolved in the purchase but would not stop the progress of the project. He added he wanted to reserve his right to vote against it if he feels it is unnecessary, as he felt an unbiased assessment of the poles and the lights was not done. He indicated he views this like three separate projects; one is the condition of the poles, the condition of the lights and whether they can be adapted to metal poles and the switch and backlighting. He indicated he doesn't know whether the poles are necessary or whether the lights are necessary and previously made it clear on the record that if all the poles did not need replacing than we should just replace those that need replacement and spend less money. He noted he wants to make it clear, that if he votes to move it forward it is not because

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D.) ORDINANCES FOR REVIEW (cont'd)

he is in absolute agreement. Cncl. Sebastian explained there will be the option to table the ordinance when it comes up for First Reading or prior to Second Reading. Cncl. DiLucia wanted total disclosure on his part and went on the record to say that he does not want anyone to feel just because he does not try to stop this progress that he agrees with it, as he has not been able to fully digest all this information. He added he found it interesting that the report only included one picture of one pole and expressed concern that this whole process has been too quick. He went on to say that he does not feel comfortable that he is doing the right thing but would vote to move it forward with the reservation to vote against it later. Mr. Heydel noted one thing about hiring a licensed vendor capable of doing the inspection is that they cannot be precluded from the public bid process. Cncl. DiLucia noted right now they have a potential financial interest in it where a qualified engineer would not have a financial interest in whether the poles are purchased or not. He noted if he was spending \$400,000.00 of his own money he would make sure that the purchase was necessary, as that is his responsibility. If all of the poles don't need to be replaced we can replace those that need it and do the project cheaper to accomplish the same goal of lighting the fields for the children to play safely. Cncl. DiLucia noted he has not had an opportunity to digest the information yet but maybe eventually he will agree that this is what we need to do. Mr. Heydel requested Council to review each report because each one gives the details of the splits and the size and length of the cracks in the poles. The reports were done on a UO Standard S2325 form, which is a standard form utilized in the electrical industry so no matter what company did the report it would be done on that form. Cncl. DiLucia questioned what the cost would be to hire an engineer that is qualified to do this. Mr. Heydel noted an engineer would need a bucket truck that reaches up to 70 feet to do the same report that just cost \$3,000.00. Cncl. Teefy questioned whether the sports lighting installed on the other fields over the last two years ran over budget. Mr. Heydel replied no. Cncl. Teefy felt this project should move forward as we are in a situation where the lights need replacing. He noted during the 80's and 90's Owens Park was never really used because it wasn't improved. The park was started in the 70's but over the years was done by piece meal so in 2001 the attitude taken was to get Owens done and now it is being used more than it ever was. Money from the Parks and Rec and Open Space Funds were combined for the Duffy Field and that turned out really nice and this project should not be done piece meal, it should be done right. By putting new lights on Church Street we are now allowed to have regional and state tournaments that bring people into our town who spend money here and by upgrading the lights at Owens we may see tournaments there as well. Mr. Heydel added the Little League Organization has not approved wood poles for new installation since September 1, 1994. Cncl. Sebastian took a poll and all members of Council agreed (Cncl. Bryson noted with reservations) that the spending ordinance should move forward for First Reading at the January 27th Council Meeting.

E.) MATTERS FOR DISCUSSION

- **Fox Hollow Homeowners Association Request for Speed Hump/Parking Stall**

Cncl. Sebastian requested the Fox Hollow correspondence be sent to the Police Department for their review and recommendation.

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E.) MATTERS FOR DISCUSSION (cont'd)

- **Speeding Ames Road**

Solicitor Fiore advised approximately a year and a half to two years ago a gentleman attended a council meeting complaining about speeding along Ames Road. The Police Department put additional officers out there and citations for speeding were issued. However, officers cannot be out there 24/7 so this gentleman took it upon himself to buy a speed measuring device and has issued over 100 speeding tickets to residents. The legality of that has not been decided by the court and yesterday the court dismissed the cases listed "without prejudice" with the understanding that he (*Mr. Fiore*) would present to Council tonight a proposal to install a three-way stop sign at the intersection of Longfellow Drive and Ames Road. In an attempt to control the speeding rather than putting in speed humps Engineer Dave Cella is going to see if that is allowed under State law and a recommendation will be provided to Council. The gentleman clocked 100 people driving over the speed limit within a two month period of time and sent the message that this issue needs to be addressed. Mr. Fiore noted he spoke to the Police Department and if the engineer recommends it they are in favor of the three-way stop sign rather than speed humps as that would be a workable solution. Cncl. Sebastian noted this matter would be discussed again once Council gets the final report.

Cncl. Bryson noted another intersection that is extremely dangerous is Corkery Lane and Clayton Road in the area of the Mary Mazza Duffy Field and he questioned whether that was a township road. Mr. Fiore advised they are County roads and whatever design the township came up with for control devices to improve that intersection would clearly be dictated by State Statute and would need to be approved by the State and County. Cncl. Sebastian noted the County is considering purchasing more land in that area for the Veteran's Cemetery. Mr. Fiore went on to explain how the County is considering closing the feeder road into Franklin Township and making a T intersection with a traffic light. Cncl. Sebastian added when Williamstown Road is closed the County will redesign that intersection but when that will happen is unknown. He noted we have been trying to get the County to improve the Fries Mill Road and Route 322 intersection for over four years and nothing has been done there yet.

F.) NEW BUSINESS

Cncl. DiLucia spoke of many people approaching him about creating a dog park and Cncl. Sebastian, Bryson and Garbowski noted they have also received calls on that. Cncl. Bryson noted some people told him they take their dogs to Wagner Park to run. **Mr. Heydel** questioned whether Council felt Wagner Park would be an acceptable location for a dog park. Council discussed the location, the parking and how two areas would need to be created, one for large dogs and one for small ones. Cncl. Sebastian advised many times municipalities get sponsors such as Pet Smart to construct a dog park. The sponsor looks at the property to make sure it meets the requirements of a dog park and for the most part they purchase all the equipment and the township just maintains the park. Cncl. Bryson suggested putting a dog park towards the back of Wagner Park and building a small steel building towards the front for a farmer's market or flea market, which was previously recommended for that park. That could

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F.) NEW BUSINESS (cont'd)

be open on the weekends to generate revenue to maintain the park. Mr. Heydel noted that property is Green Acres and is in the Pinelands so a building could not be constructed there. **Director of Public Safety Jim Smart** noted many people run their dogs at Wagner Park and the ones he spoke to feel a dog park there would be a great idea. Mr. Heydel noted the County built a dog park in Logan Township in the area of the Dream Park and he will ride down and check it out. **Cncl. Teefy** suggested the issue of a dog park be presented to the Parks and Rec Commission since they talked about one in the past and may have some ideas. He also noted Mrs. Wagner is still alive and wants to be involved in what is done at the park named for her husband. **Cncl. Teefy** felt she should be given that respect, as a dog park was brought up to her in the past and she was not crazy about that idea. **Cncl. Bryson** noted if there are some objections to putting a dog park there he would recommend the property be put up for sale. Mr. Heydel advised it can't be sold because it is Green Acre property.


G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss **Cncl. Bryson** made a motion to adjourn the Ordinance Committee Meeting of January 8, 2014. The motion was seconded by **Cncl. Pres., Garbowski** 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 January 8, 2014 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 *2/5/14*
Approved as corrected _____ Date _____