

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
FEBRUARY 5, 2014**

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.: 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. Daniel Teefy 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. Ronald Garbowski		Excused
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. Bryson made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of January 8, 2014. The motion was seconded by **Cncl. DiLucia** and approved by all members of Council in attendance with the exception of **Cncl. Caligiuri** and **Cncl. Dilks** who **Abstained**.

C.) PUBLIC PORTION

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

Jack Simmermon, A-Jack's Towing and Recovery, questioned whether those in attendance would be able to speak during the Towing Ordinance discussion. **Cncl. Sebastian** advised the meeting will be turned over to the Solicitor at that time as the ordinance will be

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C.) PUBLIC PORTION (cont'd)

reviewed by a committee of council, it will not be reviewed this evening. However, if there is something that has to be discussed tonight it will go through the Solicitor and he will advise what can and can't be said.

With no one else wishing to speak Cncl. Bryson 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.

D.) ORDINANCES FOR REVIEW

- **Ordinance To Exceed The Municipal Budget Appropriations Limits And To Establish A Cap Bank**

Business Administrator Kevin Heydel noted each year this ordinance is adopted, as it allows cap dollars to be stored Cncl. Teefy questioned why last year the ordinance allowed 2% and this year only .5%. Mr. Heydel noted he could not answer that question and would ask Mr. Coles to send an email to Council to explain it. Cncl. Bryson questioned whether the State allows an increase of up to 2%. Mr. Heydel explained the State allows municipalities to raise taxes up to 2% but there are exceptions to that for such things as health benefits. The State allows the cost of benefits to increase as much as the State Health Benefit Program, which increased 6.6% so an exception is given which allows taxes to be increased to make up the cost difference for health benefit increases. This ordinance is good because it allows flexibility when needed and last year it was needed due to the low surplus numbers we had from tax appeals depleting our fund balance. Cncl. Sebastian questioned whether this ordinance was time critical. Mr. Heydel replied it must be adopted prior to the introduction of the budget which must be done by March 10th. Cncl. Sebastian questioned whether Council wanted to move the ordinance forward as is and then after receiving an explanation from the CFO changes could be made prior to the Second Reading. All members of Council in attendance were in favor of moving the ordinance forward for First Reading at the February 10th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- **Towing Ordinance**

Cncl. Sebastian explained Council previously spoke of the need to re-evaluate the Towing Ordinance so it was placed on the meeting agenda to get it on the record and let the public know that we are going to deal with that ordinance. Solicitor Fiore added Council is trying to come up with a process that will work. Tonight four of the seven towers are here so it is obvious they are interested in trying to move forward. The Towing Ordinance has been the subject matter of much discussion over the past four or five years and during that time individual towers have made many suggestions during the public portion of Council Meetings.

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E.) MATTERS FOR DISCUSSION (cont'd)

Mr. Fiore suggested opening the meeting to get any comments, concerns, criticisms and suggestions from the towers in attendance and he also suggested giving them a period of time to submit in writing what they would like Council to consider. He also felt Council should review the ordinance and public comments/concerns by way of committee, which would then present their recommendations to the rest of the governing body for consideration. He added Council is looking at perhaps going to public towing and that would be part of the committee's analysis. He noted all comments and suggestions from the towers will be welcome and suggested during the committee process, that a separate meeting be held with the towers so they can look at the work product and see that this will be a fair and open process. Mr. Fiore noted to debate it on the record back and forth tonight would not be productive but comments can be taken into consideration and a submission deadline for written comments or materials they want the committee to look at can be established. He noted over the years a few issues have been insurance, the yards and the fencing. Our ordinance is not perfect, but it is not horrible either. There is a lot of work product out there from other towns and maybe we can take a look at them and adopt some of their language to clarify some of the controversies that have occurred over the last several years. Cncl. Sebastian noted currently there is no Towing Committee. Mr. Fiore advised it could be reviewed by the Law Committee but that would be up to the Council President. Cncl. Sebastian advised any comments tonight from the public will go to the committee Cncl. Pres., Garbowski assigns to review the Towing Ordinance and that committee will also meet with the towers in a public forum. He questioned whether Mr. Fiore would be available to meet with the committee. Mr. Fiore advised that he would. Cncl. Bryson questioned once the process is completed would the ordinance take effect now or next year. Mr. Fiore advised it can take effect now but Council could not retroactively remove people from the list so it would take effect next year.

Jack Simmermon suggested involving the Police Department, as they are first at accident scenes as well as Al King from the Garden State Tower's Association because with their input there would be no favoritism. Cncl. Sebastian advised the committee will reach out to everyone they can including the Public Safety Director. He urged all towers to send their input to the Clerk's Office to be disseminated since the committee that will review the ordinance has not yet been established by the Council President who may form a Towing Committee or assign it to an existing committee. Cncl. Bryson questioned whether it would ultimately be Council's decision on what changes would be made. Cncl. Sebastian replied yes, it will come back to Council but initially it is easier to have a committee of three weed out the problems rather than having it bounced around by seven people.

- **Fox Hollow Homeowner Association Request**

Cncl. Sebastian explained the Fox Hollow Homeowner's Association initially requested speed humps in the complex to address speeding issues but after receiving the Chief of Police's response to that they are now requesting rumble strips. Council will take no action on that at this time, as the Police Department is in the process of gathering information regarding the cost and feasibility of rumble strips. Cncl. Sebastian noted this matter was placed on the agenda

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E.) MATTERS FOR DISCUSSION (cont'd)

because he wanted to get it on the record that the complaint filed by the Fox Hollow Homeowner's Association is being addressed.

- **Precious Metals Ordinance**

Cncl. Sebastian noted he emailed Det. Gene Sulzbach who is in the process of arranging a demonstration of the Rapid Program for the other vendors but no date has been scheduled yet. Mr. Fera has indicated he is opposed to the program and is not interested in seeing a demonstration. **Cncl. Bryson** noted he still has a major concern with protection of privacy especially now with all that is going on with Target, Nordstrom and other stores. Private information will be put into this system and according to what he has seen there is no protection whatsoever or even a privacy statement and that concerns him. **Cncl. Sebastian** agreed but noted even when a person goes to a doctor there is no guarantee the information given, which includes Social Security numbers, will be protected. **Cncl. Bryson** noted there should be and there should be a stop to all of this. Law enforcement, health or insurance organizations should not have more rights than anyone else has. **Cncl. Sebastian** noted the State is considering making this mandatory statewide, which would take it out of Council's hands. **Cncl. Bryson** felt if they do there will be problems.

- **Vacation of Paper Street - Monroe Avenue**

Cncl. Sebastian advised the request to vacate Monroe Avenue, a paper street, was added to the agenda this evening and information regarding that request was distributed to each Council member. The paper street is located on the corner of the Black Horse Pike and Washington Avenue. An application went before the Zoning Board of Adjustment to put an Advanced Auto Store on that corner and the Board has granted a use variance and preliminary and final site plan approval. The applicant is not the property owner and the purchase of it is contingent upon the vacation of the paper street. **Solicitor Fiore** explained the paper street is between lots 2 and 3 on Washington Avenue and if the street was vacated it would be divided between the two property owners. He noted vacation of a street is just a standard ordinance so if Council chooses to move it forward it could be prepared for First Reading for the February 24th Regular Council Meeting. **Cncl. Sebastian** advised the MMUA owns a small portion of that corner and they tried to do a property swap when the application was before the Zoning Board to get more property next to their pump station, however, that could not be done by law because of the way the State gave the property to the MMUA. **Cncl. Sebastian** polled Council and all in attendance were in favor of vacating the paper street. Mr. Fiore will prepare the ordinance for the February 24th Council Meeting.

F.) NEW BUSINESS

Cncl. Bryson noted the numbers in this year's Tax Assessment Compliance Plan show a percentage of only 3½% to 4% when last year other properties went down 12% to 13% and he

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F.) NEW BUSINESS (cont'd)

questioned what happens to the people that have never appealed their property taxes. Mr. Heydel explained properties are still going down perhaps 10% or so. What should be looked at are the values in this Compliance Plan as opposed to those in the first one. The first plan had higher assessed homes, the bigger homes, so the spread of dollars was greater. 10% on \$300,000.00 equals \$30,000, 10% on \$150,000 or \$200,000 is \$15,000 to \$20,000 so in the first Compliance Plan we lost \$145,000,000 in value, in this plan we lost \$90,000,000. When you look at the spread and the assessments of what was done in the first plan and then the spread in the second plan you see where the gap is. Cncl. Bryson noted when he looked at it, it seemed to be totally inequitable to homeowners that never appealed or included in a Compliance Plan. Mr. Heydel noted the entire economic recession is not equitable. He explained everyone was on an equal footing in 2008 in regards to what the market value was. During a normal reassessment one-third goes down, one-third stays the same and one-third goes up and the Compliance Plans more or less accomplished the same thing because one-third went down, one third went up and one-third probably stayed the same depending upon where they fell. Mr. Heydel used Cncl. Caligiuri's home as an example, as it was just included in the 2014 Compliance Plan and went from an assessed value of \$169,000.00 down to \$138,000.00. When analyzing that Cncl. Caligiuri probably paid \$1,200.00 more than someone in Holiday City. When using that same calculation someone in Holiday City probably paid \$2,500.00 less, as it depends upon where it fell. Mr. Heydel noted he filed an appeal on his home in 2011 and the difference between the calculations on his home is \$174.00, so it depends upon where you are and what happened when. Cncl. Bryson questioned whether the County said they would not honor a tax appeal if that property was included in the 2014 Compliance Plan, as that was stated last year when the 2013 Compliance Plan was done. Mr. Heydel replied no because people can always file an appeal, they just need to justify their numbers. Mr. Heydel advised his home was not included in any Compliance Plan but he filed an appeal in 2011 and the County did not include his home in the next Compliance Plan or do anything in 2012 to lower it. Cncl. Teefy noted in looking at township finances in the long range from 2008 through 2014 are we in better shape in 2014 then we were in the past. Mr. Heydel replied yes; adding some homes in rural areas were never included in any of the Compliance Plans so those residents may appeal but it will not have the profound effect that we had before. Cncl. Sebastian went on to explain if a person has a rancher on eight acres in a rural area they can utilize comparisons from ranchers with lower acreage because the appeal is on the improvement (*the home*) and not the land value. Mr. Heydel noted during a Council Meeting in September the Compliance Plan was brought up and the very next day he scheduled an appointment with the Gloucester County Tax Assessor. The meeting lasted approximately an hour and a half and he told the Tax Assessor his concerns, where he felt the township should go, the impact it would have on the township and they showed him that approximately 5,000 residential homes were included in this process.

G.) OLD BUSINESS

Cncl. Bryson requested that the Water Ordinance be addressed at the next Ordinance Committee Meeting, as he gave the Solicitor his proposed amendments.

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G.) OLD BUSINESS (cont'd)

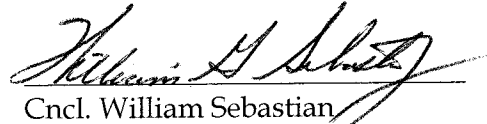
Mr. Heydel advised he received information from the Annual Financial Statement that allows him to proceed with finalizing the budget and he is planning on having packets prepared for the Budget Committee by this weekend. The Budget must be introduced by March 10th so that gives Council approximately 30 days to review it.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Bryson made a motion to adjourn the Ordinance Committee Meeting of February 5, 2014. The motion was seconded by Cncl. 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 February 5, 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 AW Date 3/5/14
Approved as corrected _____ Date _____